

Alone Without a Home

JUSTICE IS THE FIRMEST PILLAR OF GOOD

A State-by-State
Review of
Laws Affecting
Unaccompanied Youth

National Law Center on
Homelessness & Poverty
National Network for Youth

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National Law Center on Homelessness & Poverty
1411 K St NW, Suite 1400
Washington DC 20005
202/638-2535 voice
202/628-2737 fax
www.nlchp.org

National Network for Youth
1319 F St NW, Suite 401
Washington DC 20004-1106
202/783-7949 voice
202/783-7955 fax
www.nn4youth.org

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1st Edition, 2003

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ABOUT THE AUTHORS

Patricia Julianelle is the Education Staff Attorney at the National Law Center on Homelessness & Poverty.

Michael Mabe is a law student at Emory University. Ms. Mabe served as an Everett Public Service Internship Program intern with the National Network for Youth and National Law Center on Homelessness & Poverty in summer 2002.

Bob Reeg is the Director of Public Policy and Public Affairs at the National Network for Youth.

Kerrin Wolf is a law student at The College of William and Mary. Mr. Wolf served as a John J. Curtin, Jr. Justice Fund Legal Internship Program intern assigned to the National Law Center on Homelessness & Poverty and National Network for Youth in summer 2002.

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INTRODUCTION

The legal rights and responsibilities of unaccompanied young people vary among states and territories and often depend upon the specific right a youth wishes to exercise. Despite the reality that they are living apart from parents or guardians, youth who are legally minors lack the legal status to live independently. Unaccompanied youth and their advocates constantly struggle with legal questions regarding access to shelter, public education and medical and mental health care; legal rights to rent property and enter into contracts; and, issues of juvenile justice, parental rights, and availability of emancipation. Many of these legal questions find their answers in state statutes and regulations.

The National Law Center on Homelessness & Poverty (Law Center) and National Network for Youth (National Network) developed this publication in an effort to respond in an efficient and comprehensive way to these significant legal questions. This publication provides summaries, legal citations and analyses of laws affecting unaccompanied youth from the fifty states and six United States territories (American Samoa, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, Virgin Islands). Specifically, the guide covers seven topics: definitions of terms relevant to unaccompanied youth; youth in need of services; emancipation; status offenses, including running away, truancy and curfews; the right to contract; definitions and consequences of harboring runaway youth; and service and shelter responsibilities and resources. There are also brief chapters providing an overview of unaccompanied youth's rights to public education and to obtain and manage health care on their own behalf.

The Law Center and the National Network consulted an advisory group of legal aid attorneys, national advocacy organizations, local youth advocates and youth services providers to identify the topical content of the publication. With the invaluable assistance of two exemplary law students, we researched the statutes on our chosen topics, drafted summaries with legal citations, and analyzed the information to produce meaningful data, identify trends, discuss noteworthy statutes and offer recommendations. A smaller advisory group provided significant insight into the content of our analyses.

We offer this publication as a tool for service providers, advocates and attorneys responding to individual requests for assistance. The legal summaries and citations provide a starting point for helping unaccompanied youth meet their basic needs and exercise their legal rights. However, it is our hope and intent that this guide will also assist those seeking

broader, systemic reform of statutes. Advocates are encouraged to use the guide to place their states on a continuum relative to other jurisdictions and to advocate for legislative and administrative solutions to the real challenges facing unaccompanied youth. Both the Law Center and the National Network are eager to partner with advocates in their efforts to create laws that recognize the needs and dignity of unaccompanied youth.

The narrative and analysis sections of the publication use various non-legal terms, such as "young people," "youth," "youth on their own" and "unaccompanied youth." In each case, we refer to youth who have not reached the legal age of majority and/or who have left home, either at the demand or request of parents or guardians or of their own volition. By referring to "youth" or "young people," rather than "children," we attempt to recognize the unique developmental stage and needs of older children and young adults. Where legally significant, we have used the terms "child," "children" or "minor." In the statute summaries, we generally use the terms used in the statute. We have also used the term "jurisdiction" to encompass both states and territories.

Each section of the publication includes a description of the research methodology and limitations for that chapter. Our research was limited to state and territorial statutes. We did not research administrative codes or other regulations, nor did we contact state agencies or courts. Policies and practices may exist which are not reflected in the jurisdiction's statutes.

As with any project of this magnitude, the possibility exists that an important statute was missed. Readers are urged to consult their jurisdiction's statutes and regulations for more complete information. The legal citations provided in this publication are intended to assist in further research. Please report errors or omissions to the Law Center or National Network so that we may improve future editions of this publication.

The information provided in this publication is not legal advice and should not be used as a substitute for seeking professional legal advice. It does not create an attorney-client relationship between the reader and the Law Center or the National Network. ♦

DEFINITION OF TERMS PERTINENT TO UNACCOMPANIED YOUTH

Background

Definitions are critical components of statutes because they establish the meaning of key terms used therein. Definitions do not exist in a statutory vacuum. Rather they are integral to the overall statutory sections with which they are associated, such as provisions granting legal protections or assigning responsibilities to or authorizing public funding for programs and services to groups of persons.

Some definitions set forth the parameters of the group of persons to be affected by the statutory provision. Critical to the analysis of state and territorial statutes regarding unaccompanied youth, therefore, is both knowing which terms and definitions are used to describe young people generally and whether unaccompanied youth are recognized as a distinct group of young persons with shared characteristics and life circumstances.

Fast Facts

- ◆ 10 jurisdictions include a definition of the term “youth.”
- ◆ 46 jurisdictions establish age 18 as the age for no longer being considered a child.
- ◆ 3 jurisdictions establish the age of childhood as under age 17.
- ◆ 1 jurisdiction establishes the age of childhood as under age 16.
- ◆ 6 jurisdictions establish the age of childhood/youth as 18 and older.
- ◆ 17 jurisdictions explicitly define the term “runaway.”
- ◆ 14 jurisdictions explicitly define the terms “homeless child,” “homeless youth” or “homeless student.”

Purpose and Findings

Two definitional issues were researched for this analysis: how the statutes define young people and whether the statutes included definitions of runaway and homeless children and youth.

The terms for young people that jurisdictions typically use and define are “child” (46 jurisdictions) and/or “minor” (38 jurisdictions). “Juvenile” is used less frequently (18 jurisdictions). Rarely, jurisdictions use the term “infant” to include persons up to age 18 (three jurisdictions). Many statutes use more than one term to describe essentially the same group of young persons.

The term “youth” is defined in ten jurisdictions: Arizona, Colorado, Connecticut, Florida, Michigan, Montana, Oregon, Texas, Utah and Northern Mariana Islands. In only two of those jurisdictions (Connecticut and Michigan), however, does the maximum age parameter for this group exceed age 17, which is also the typical maximum age limit associated with the jurisdictions’ definitions of “child,” “juvenile” and “minor.”

In the overwhelming majority of jurisdictions (46), persons are considered children, minors, juveniles or youth if they are under age 18. Three jurisdictions (Georgia, New Hampshire, Texas) establish the age of childhood as under age 17. One jurisdiction (Connecticut) establishes the age of childhood as under age 16. On the opposite end, six jurisdictions surpass the age 17 limitation. Connecticut defines “youth” to be from ages 16 to 18. Alabama defines a minor as under age 19. Oregon and the District of Columbia establish age 21 as their cut-off for childhood, as does Missouri for persons in Department of Family Services custody only (under age 18 for other youth). Michigan’s statute includes in its youth employment section a definition of youth that spans between ages 14 and 23.

Seventeen jurisdictions include explicit definitions of the term “runaway.” Those jurisdictions are: Alaska, Connecticut, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Tennessee and Vermont.

Fourteen jurisdictions specifically define “homeless child,” “homeless youth,” or “homeless student.” Those jurisdictions are: Arizona, California, Colorado, Florida, Hawaii, Illinois, Kansas, Louisiana, Minnesota, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Tennessee and Vermont.

Twenty-nine jurisdictions do not explicitly define “runaway,” but clearly include this group of young people in a broader grouping of young persons in high-risk situations. Nine jurisdictions do not explicitly define “homeless child” or “homeless youth,” but include this group of young people in a broader grouping of young persons in high-risk situations. Many of these jurisdictions use terms such as “dependent” or “in need of services” for these children and youth. In fewer instances, runaway and homeless youth are among the young people defined by statute as “incorrigible” (Arizona), “unruly” (Georgia), “delinquent” (Indiana), “vagrant” (Mississippi) or “status offender.”

Analysis

That so few jurisdictions have established statutory definitions of the term “youth” indicates that statutes have not kept pace with contemporary understanding of human

development and the distinctions between its childhood and adolescent phases. Furthering this point, that so many jurisdictions determine the age of majority to be age 18 indicates that older youth are not viewed as different from adults. It may also suggest that the public sector's responsibility for individuals diminishes beyond age 17.

Current understanding of youth development, psychosocial functioning and cultural norms indicate that youth are rarely "independent" at age 18. The inclusion of young people ages 18 and older in categories other than "adult" in six jurisdictions appears to recognize this reality, and moreover, suggests an opportunity for other jurisdictions to move in the same direction.

Although runaway and homeless children and youth reside in every state and territory, a majority of jurisdictions do not have specific definitions of these populations. This is likely reflective of the large absence of focused attention by the jurisdictions on children and youth in runaway and homeless situations. Inclusion of explicit definitions for runaway and homeless youth, in the context of protections, opportunities and supports naturally would signal states' recognition that these groups of young people have unique life circumstances and needs that require targeted opportunities and supports.

Some jurisdictions' terminology and definitions for youth in high-risk situations reflect a punitive or blaming attitude toward these young people. Terms such as "vagrant," "unruly" or "incorrigible" have negative connotations. And definitions of "runaway" that establish absence from the family "without permission" from the young person's guardian implies rebelliousness on the youth's part, rather than the more likely circumstance that the young person has been expelled by the guardian, or has "voluntarily" fled the home environment for safety considerations.

Noteworthy Statutes

Ohio's definition of "runaway" is well constructed in that it simply acknowledges that "any child who is separated from the child's guardian and appears to be in need of emergency housing and other services" is a runaway, but does not comment on the cause of the child's separation from the guardian or whether the separation need be voluntary or coerced on the part of the young person. ORC Ann. 5119.64 (Anderson 2002).

New Jersey's definition of "homeless youth" merits consideration both because it includes persons 21 years of age or younger within its scope and because it acknowledges that even these older young people are in need of "appropriate care and supervision." N.J. Stat. § 9:12A-4 (2001).

Recommendations

- ◆ Establish a definition of "youth" that is distinct from "child."
- ◆ Extend eligibility for publicly-funded opportunities and supports available to children and youth to include older young people through age 21.
- ◆ Explicitly define "runaway child" and "runaway youth" in both criminal and civil statutes.
- ◆ Explicitly define "homeless child" and "homeless youth" in both criminal and civil statutes.
- ◆ Establish separate definitions of "missing child" and "runaway child."
- ◆ Replace judgmental and negative terminology (e.g., unruly, incorrigible, vagrant) for youth in high-risk situations with neutral terminology.

Research Methodology and Limitations

To compile state and territorial statutes defining and classifying young people and young people in runaway and homeless situations, our search used the following terms: Adult, Child, Infant, Juvenile, Minor, Minority, Majority, Nonage, Youth, Homeless, Runaway, Run(s) Away, Absent and Home.

Because these words appear countless times throughout each state's statute, our search focused upon the most pertinent definitions of these terms. Typically, the definitions we selected to summarize occur in titles of the code most likely to affect young people. In some instances, we drew upon definitions of these terms in other titles, if the term was not defined in a more obvious "children and families" title.

With regard to our investigation of the definition of "child," "youth" and other terms describing young people, the research focused on age parameters. Other determinants that could also classify one as a child, such as mental disability, were not captured.

With regard to our search for definitions of "runaway youth" and "homeless youth," we looked for explicit definitions of these populations. In the case of homeless youth, if no such definition existed for that population in the statute, we did capture in the compendium the statute's definition of "homeless" generally, in the belief that one could reasonably combine the definitions of "child" or "youth" with "homeless" to construct a statutory definition of "homeless youth." ◆

DEFINITIONS OF CHILD, INFANT, JUVENILE, MINOR, AND YOUTH

Alabama

Minor: Any person under 19 years of age [Infants and Incompetents Title]. Code of Ala. §26-1-1 (2001).

Alaska

Child: Any person under 18 years of age [Welfare, Social Services and Institutions Title]. Alaska Stat. §47.10.990 (2001).

Minor: Any person under 18 years of age [Welfare, Social Services and Institutions Title]. Alaska Stat. §47.12.990 (2001).

Arizona

Child: Any person under 18 years of age [Children Title]. A.R.S. § 8-201 (2001).

Juvenile: Any person under 18 years of age [Children Title]. A.R.S. § 8-201 (2001).

Youth: Any person under 18 years of age [Children Title]. A.R.S. § 8-201 (2001).

Arkansas

Juvenile: Any person under 18 years of age [Juvenile Code]. A.C.A. § 9-27-303 (2001).

Minor: Any person under 18 years of age [Family Law Title]. A.C.A. § 9-30-103 (2001).

California

Minor: Any person under 18 years of age [Family Code, Minors Division]. Cal Fam Code § 6500 (2001).

Colorado

Child: Any person under 18 years of age [Children's Code]. C.R.S. 19-1-103 (2001).

Youth: Any person who is at least 15 years of age but is less than 18 years of age [Homeless Youth Article]. C.R.S. 26-5.7-102 (2001).

Connecticut

Child: Any person under 16 years of age [Department of Children and Families Chapter]. Conn. Gen. Stat. § 17a-1 (2001).

Youth: Any person 16 to 18 years of age [Department of Children and Families Chapter]. Conn. Gen. Stat. § 17a-1 (2001).

Delaware

Child: Any person under 18 years of age [Family Court Chapter]. 10 Del. C. § 901 (2001).

Juvenile: Any person under 18 years of age [Youth Services Commission Chapter]. 31 Del. C. § 5101 (2001).

Minor: Any person under 18 years of age [Interpretations of Statutes Chapter]. 1 Del. C. § 302 (2001).

Florida

Child: Any person under 18 years of age [Children and Families in Need of Services Chapter]. Fla. Stat. § 984.03 (2001).

Juvenile: Any person under 18 years of age [Children and Families in Need of Services Chapter]. Fla. Stat. § 984.03 (2001).

Minor: Any person under 18 years of age whose disabilities have not been removed by marriage or other things [Domestic Relations Title]. Fla. Stat. § 744.102 (2001).

Youth: Any person under 18 years of age [Children and Families in Need of Services Chapter]. Fla. Stat. § 984.03 (2001).

Georgia

Child: Any person under 17 years of age [Juvenile Proceedings]. O.C.G.A § 15-11-2 (2001).

Hawaii

Child: Any person under 18 years of age [Family Title]. HRS § 587-2 (2001).

Minor: Any person under 18 years of age [Family Title]. HRS § 577-1 (2001). HRS § 577-25 (2001).

Idaho

Child: Any person under 18 years of age [Health and Safety Title]. Idaho Code §39-1202 (2001).

Juvenile: Any person under 18 years of age [Juvenile Corrections Act Chapter]. Idaho Code §20-502 (2001).

Minor: Any person under 18 years of age [Domestic Relations Title]. Idaho Code §32-101 (2001).

Illinois

Child: Any person under 18 years of age [Children Chapter]. 325 ILCS 5/3 (2001).

Minor: Any person under 18 years of age [Children Chapter]. 325 ILCS 45/2 (2001).

Indiana

Child: Any person under 18 years of age [Human Services Title]. Burns Ind. Code Ann. § 12-7-2-28 (2001).

Infant: Any person under 18 years of age [Construction of Statutes Chapter]. Burns Ind. Code Ann. § 1-1-4-5 (2001).

Minor: Any person under 18 years of age [Construction of Statutes Chapter]. Burns Ind. Code Ann. § 1-1-4-5 (2001).

Iowa

Child: Any person under 18 years of age [Juvenile Justice Chapter]. Iowa Code § 232.2 (2002).

Juvenile: Any person under 18 years of age [Juvenile Justice Chapter]. Iowa Code § 232.2 (2002).

Kansas

Minor: Any person under 18 years of age [Minors Chapter]. K.S.A. § 38-101 (2001).

Juvenile: Any person over 10 years of age but less than 18 years of age [Minors Chapter]. K.S.A. § 38-1602 (2001).

Kentucky

Child: Any person under 18 years of age [Unified Juvenile Code]. KRS § 600.020 (2001).

Minor: Any person under 18 years of age [Occupations and Professions Title]. KRS § 311.732 (2001).

Louisiana

Child: Any person under 18 years of age [Children's Code]. La. Ch.C. Art. 116 (2002).

Minor: Any person under 18 years of age [Children's Code]. La. Ch.C. Art. 116 (2002).

Maine

Child: Any person under 18 years of age [Rules of Construction Chapter]. 1 M.R.S. § 72 (2001).

Infant: Any person under 18 years of age [Rules of Construction Chapter]. 1 M.R.S. § 72 (2001).

Juvenile: Any person under 18 years of age [Maine Juvenile Code]. 15 M.R.S. § 3003 (2001).

Minor: Any person under 18 years of age [Rules of Construction Chapter]. 1 M.R.S. § 72 (2001).

Maryland

Child: Any person under 18 years of age [Juvenile Causes Subtitle]. Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-801 (2001).

Minor: Any person under 18 years of age [Protection of Minors and Disabled Persons Chapter]. Md. ESTATES AND TRUSTS Code Ann. § 13-101 (2001).

Massachusetts

Minor: Any person under 18 years of age [Statutes Chapter]. Mass. Ann. Laws ch. 4, § 7 (2002).

Michigan

Child: A person under the age of 18 years [Children Chapter]. MCLS § 722.622 (2002).

Minor: A person under the age of 18 years [Children Chapter]. MCL § 722.1 (2002).

Youth: Persons between the age of 14 and 23 years [Youth Employment Chapter]. MLCS § 409.202 (2002).

Minnesota

Child: Any person under 18 years of age [Children and Families Title]. Minn. Stat. § 119A.11 (2001).

Minor: Any person under 18 years of age [Crimes, Criminals Title]. Minn. Stat. § 617.246 (2001).

Mississippi

Child: Any person under 18 years of age [Department of Youth Services Chapter]. Miss. Code Ann. § 43-27-101 (2001).

Youth: Any person under 18 years of age [Department of Youth Services Chapter]. Miss. Code Ann. § 43-27-101 (2001).

Missouri

Child: Any person under 18 years of age or any person in the custody of the division of family services who has not attained the age of twenty-one [Domestic Relations Title]. § 453.015 R.S.Mo. (2001).

Minor: Any person under 18 years of age or any person in the custody of the division of family services who has not attained the age of twenty-one [Domestic Relations Title]. § 453.015 R.S.Mo. (2001).

Montana

Minor: Any person under 18 years of age [Minors Title]. Mont. Code Anno., § 41-1-101 (2001).

Youth: Any person under 18 years of age [Minors Title]. Mont. Code Anno., § 41-5-103 (2001).

Nebraska

Juvenile: Any person under 18 years of age [Juvenile Code]. R.R.S. Neb. § 43-245 (2001).

Minor: Any person under 19 years of age [Infants and Juveniles Title]. R.R.S. Neb. § 43-2101 (2001).

Nevada

Child: Any person under 18 years of age [Juvenile Courts Chapter]. Nev. Rev. Stat. Ann. § 62.020 (2001).

New Hampshire

Child: Any person under 18 years of age [Public Safety and Welfare Title]. RSA 169-C:3 (2001).

Minor: Any person under 17 years of age [Public Safety and Welfare Title]. RSA 169-B:2 (2001).

New Jersey

Child: Any person under 18 years of age [Children – Juvenile and Domestic Relations Courts Title]. N.J. Stat. § 9:2-13 (2001).

New Mexico

Child: Any person under 18 years of age [Children's Code]. N.M. Stat. Ann. § 32A-1-4 (2001).

New York

Child: Any person under 18 years of age [Social Services Law]. NY CLS Soc Serv § 345 (2002).

Infant: Any person under 18 years of age [Family Court Act]. NY CLS Family Ct Act § 119 (2002).

Minor: Any person under 18 years of age [Family Court Act Title]. NY CLS Family Ct Act § 119 (2002).

North Carolina

Juvenile: Any person under 18 years of age [Juvenile Code]. N.C. Gen. Stat. § 7B-101 (2001).

North Dakota

Child: Any person under 18 years of age [Minors Chapter]. N.D. Cent. Code, § 14-10-01 (2002).

Minor: Any person under 18 years of age [Minors Chapter]. N.D. Cent. Code, § 14-10-01 (2002).

Ohio

Child: Any person under 18 years of age [Juvenile Court Chapter]. ORC Ann. 2151.011 (Anderson 2002).

Oklahoma

Child: Any person under 18 years of age [Oklahoma Juvenile Code]. 10 Okl. St. § 7301-1.3 (2002).

Juvenile: Any person under 18 years of age [Oklahoma

Juvenile Code Chapter]. 10 Okl. St. § 7301-1.3 (2002).

Minor: Any person under 18 years of age [Contributing to the Delinquency of Minors Chapter]. 21 Okl. St. § 857 (2002).

Oregon

Child: Any person under 21 years of age [Child Welfare Services Chapter]. ORS § 418.001 (2001).

Juvenile: Any person under 21 years of age [Child Welfare Services Chapter]. ORS § 418.001 (2001).

Youth: Any person under 18 years of age [Juvenile Code Chapter]. ORS § 419A.004 (2001).

Pennsylvania

Child: Any person under 18 years of age [Domestic Relations Title]. 23 Pa.C.S. § 5302 (2001).

Rhode Island

Child: Any person under 18 years of age [Delinquent and Dependent Children Title]. R.I. Gen. Laws §14-5-2 (2001).

Minor: Any person under 18 years of age [Delinquent and Dependent Children Title]. R.I. Gen. Laws §14-5-2 (2001).

South Carolina

Child: Any person under 18 years of age [Children's Code]. S.C. Code Ann. § 20-7-30 (2001).

Minor: Any person under 18 years of age [Children's Code]. S.C. Code Ann. § 20-7-150 (2001).

South Dakota

Child: Any person under 18 years of age [Minors Title]. S.D. Codified laws § 26-7A-1 (2001).

Minor: Any person under 18 years of age [Minors Title]. S.D. Codified laws § 26-1-1 (2001).

Tennessee

Child: Any person under 18 years of age [Juveniles Title]. Tenn. Code Ann. § 37-5-103 (2001).

Juvenile: Any person under 18 years of age [Juveniles Title]. Tenn. Code Ann. § 37-5-103 (2001).

Texas

Child: Any person 10 year of age or older and under 17 years of age [Juvenile Justice Code]. Tex. Fam. Code § 51.02 (2001).

Youth: Any person under 18 years of age [State Buildings, Grounds, and Property Chapter]. Tex. Gov't Code § 2165.254 (2002).

Utah

Child: Any person under 18 years of age [*Child Support Services Act*]. Utah Code Ann. § 62A-11-303 (2001).

Minor: Any person under 18 years of age [*Child and Family Services Chapter*]. Utah Code Ann. § 62A-4a-101 (2001).

Vermont

Child: Any person under 18 years of age [*Human Services Title*]. 33 V.S.A. § 3511 (2001).

Minor: Any person under 18 years of age [*Human Services Title*]. 33 V.S.A. § 5502 (2001).

Virginia

Child: Any person under 18 years of age [*Juvenile Justice Title*]. Va. Code ann. § 66-12 (2001).

Juvenile: Any person under 18 years of age [*Juvenile and Domestic Relations District Courts Chapter*]. Va. Code Ann §16.1-228 (2001).

Minor: Any person under 18 years of age [*Juvenile and Domestic Relations District Courts Chapter*]. Va. Code Ann. § 16.1-228 (2001).

Washington

Child: Any person under 18 years of age [*Juvenile Courts and Juvenile Offenders Title*]. Rev. Code Wash. (ARCW) § 13.04.011 (2002).

Juvenile: Any person under 18 years of age [*Juvenile Courts and Juvenile Offenders Title*]. Rev. Code Wash. (ARCW) § 13.04.011 (2002).

Youth: Any person under 18 years of age [*Juvenile Courts and Juvenile Offenders Title*]. Rev. Code Wash. (ARCW) § 13.04.011 (2002).

West Virginia

Child: Any person under 18 years of age [*Child Welfare Chapter*]. W. Va. Code § 49-1-2 (2001).

Juvenile: Any person under 18 years of age [*Child Welfare Chapter*]. W. Va. Code § 49-1-2 (2001).

Wisconsin

Child: Any person under 18 years of age [*Children's Code*]. Wis. Stat. § 48.02 (2001).

Juvenile: Any person under 18 years of age [*Juvenile Justice Code*]. Wis. Stat. § 938.02 (2001).

Wyoming

Age of Majority: Any person reaches the age of majority upon becoming 18 years of age [*Children Title*]. Wyo. Stat. § 14-1-101 (2001).

Child: Any person under the age of majority (18) [*Children Title*]. Wyo. Stat. § 14-6-402 (2001).

Minor: Any person under the age of majority (18) [*Children Title*]. Wyo. Stat. § 14-6-402 (2001).

American Samoa

Child: Any person under 18 years of age, or a mentally retarded or developmentally disabled person regardless of age. American Samoa Code Annotated § 45.0103.

District of Columbia

Child: Any person under 18 years of age [*Family Division Proceedings Chapter*]. D.C. Code § 16-2301 (2001).

Minor: Any person under 21 years of age [*Family Division Proceedings Chapter*]. D.C. Code § 16-2301 (2001).

Guam

Minor: Any person under 18 years of age. 19 GPC §1101.

Northern Mariana Islands

Child: Any person under 18 years of age. 1 CMC § 2373.

Juvenile: Any person under 18 years of age. 1 CMC § 2373.

Minor: Any person under 18 years of age. 1 CMC § 2373.

Youth: Any person under 18 years of age. 1 CMC § 2373.

Puerto Rico

Child: Any person under 18 years of age [*Declaration of Rights and Duties of Children Chapter*]. 1 L.P.R.A. § 422 (1999).

Minor: Any person under 18 years of age [*Safeguarding of Minors in the 21st Century Chapter*]. 8 L.P.R.A. § 441 (1999).

Virgin Islands

Child: Any person under 18 years of age [*Welfare Title*]. 34 V.I.C. §104 (2001).

Juvenile: Any person under 18 years of age [*Welfare Title*]. 34 V.I.C. §104 (2001).

Minor: Any person under 18 years of age. 34 V.I.C. §104 (2001).

CLASSIFICATIONS OF HOMELESS AND RUNAWAY YOUTH

Alabama

Homeless: No specific definition, but could be classified as a dependent child. Under state law a dependent child is, among other things, destitute, homeless, or dependent upon the public for support. Code of Ala. § 12-15-1 (2001).

Runaway: No specific definition, but could be classified as a missing child. Under state law, a missing child is a child who voluntarily leaves the care and control of the child's guardian without intent to return and without the guardian's consent. Code of Ala. §26-19-1 (2001).

Alaska

Homeless: No specific definition.

Runaway: Any person under 18 years of age who is habitually absent from home or refuses to accept available care. Alaska Stat. §47.10.390 (2001). A runaway could also be classified as a child in need of aid. A child in need of aid is, among other things, a child who is habitually absent from home. Alaska Stat. §47.10.011 (2001).

Arizona

Homeless: A homeless minor is any person under 18 years of age who lives apart from the minor's guardian and who lacks a fixed and regular nighttime residence or whose primary residence is an emergency shelter, halfway house, or a place not designated for or typically used for sleeping. A.R.S. § 44-132 (2001).

Runaway: No specific definition, but could be classified as an incorrigible child. Under state law, an incorrigible child is, among other things, a runaway. A.R.S. § 8-201 (2001).

Arkansas

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child of a family in need of services. Under state law, a family in need of services means, among other things, any family whose juvenile has absented himself or herself from the home without sufficient cause, permission, or justification. A.C.A. § 9-27-303 (2001).

California

Homeless Person: A homeless person is any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living

institution, or a public or private place not designated for regular sleeping accommodations for humans. Cal Health & Saf Code § 50582 (2002).

Homeless: A homeless child is a school aged child who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Cal Ed Code § 1981.2 (2002).

Runaway: No specific definition.

Colorado

Homeless: A homeless youth is a youth who is at least 15 but is less than 18 and who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. C.R.S. 26-5.7-102 (2001). A homeless youth could also be classified as neglected or dependent. Under state law, a child is neglected or dependent if the child is, among other things, homeless. C.R.S. 19-3-102 (2001).

Runaway: No specific definition, but could be classified as neglected or dependent child. Under state law, a neglected or dependent child is, among other things, a child who has run away from home. C.R.S. 19-3-102 (2001).

Connecticut

Homeless Person: Any person who does not have overnight shelter or sufficient income or resources to secure shelter. Conn. Gen. Stat. § 8-355 (2001).

Homeless Child: No specific definition, but a child could be classified as "uncared for." Under state law, a child is uncared for if the child is homeless or if the child's home cannot provide the specialized care which the child's physical, emotional or mental condition requires. Conn. Gen. Stat. § 46b-120 (2001).

Runaway: Any person 16 to 18 years of age who appears to be away from home without permission of his parents or guardian or who appears to be suffering from lack of food, shelter or medical care. Conn. Gen. Stat. §17a-185 (2001).

Delaware

Homeless: No specific definition, but could be classified as a dependent child. Under state law, a dependent child is a child who is homeless, destitute or lacks proper support or care through no fault of the child's guardian, or has been placed permanently in a non-related family home without the approval of the Division of Child Protective Services or any

other licensed child placing agency. 31 Del. C. § 301 (2001).

Runaway: No specific definition.

Florida

Homeless: Any child who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Fla. Stat. § 228.041 (2001).

Runaway: No specific definition, but could be classified as a child in need of services. Under state law, a child in need of services is, among other things, a child that is found to have persistently run away from the child's guardian despite reasonable efforts that were made to help the child. Fla. Stat. § 984.03 (2001).

Georgia

Homeless Person: Any person who has no access to or can reasonably be expected not to have access to either traditional or permanent housing which can be considered safe, sanitary, decent, and affordable. O.C.G.A. § 8-3-301 (2001).

Runaway: No specific definition, but could be classified as an unruly child. Under state law, an unruly child means a child who, among other things, without guardian permission deserts home. O.C.G.A. § 15-11-2 (2001).

Hawaii

Homeless: A homeless child lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. HRS § 201G-451 (2001).

Runaway: No specific definition.

Idaho

Homeless: No specific definition.

Runaway: An individual under 18 years of age that is reported to any law enforcement agency as a runaway. Idaho Code § 18-4508 (2002).

Illinois

Homeless or Runaway Youth: A person under the age of 18 who is absent from his legal residence without the consent of his parent or legal guardian or who is without a place of shelter where supervision or care are available. 60 ILCS 1/215-15 (2001). A runaway could also classify as a minor "requiring authoritative intervention." A minor "requiring authoritative

intervention" is, among other things, a minor who is absent from home without the consent of the minor's guardian. 705 ILCS 405/3-3 (2001).

Indiana

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a delinquent child. Under state law, a child commits a delinquent act if the child leaves home without reasonable cause and without permission of the child's guardian. Burns Ind. Code Ann. § 31-37-2-2 (2002).

Iowa

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Iowa Code § 48A.2 (2002).

Runaway: A runaway is classified as a chronic runaway who is a child reported to law enforcement more than once in any thirty-day period or three or more times in any year. Iowa Code § 232.2 (2002).

Kansas

Homeless: A homeless child lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. K.S.A. § 72-1046 (2001).

Runaway: Any child under 18 years of age who is willfully and voluntarily absent from home or a designated placement without consent of a guardian. K.S.A. 21-3612 (2001). Could also be referred to a child in need of care. Under state law, a child in need in care, among other things, is willfully and voluntarily absent from the child's home without consent of a guardian. K.S.A. § 38-1502 (2001).

Kentucky

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence, is at risk of becoming homeless because the residence is not safe, decent or sanitary, or secure, has a primary nighttime residence in a shelter, has a primary nighttime residence not designated for human use, or who does not have access to normal accommodations due to violence or the threat of violence. KRS § 198A.700 (2001).

Runaway: An habitual runaway is any child who has been found by the court to have been absent from his place of

lawful residence without the permission of his custodian for at least three days during a one year period. KRS § 600.020 (2001).

Louisiana

Homeless: A homeless youth is any person under the age of 21 who is without a place of shelter where supervision and care are available. La. R.S. 46:1352 (2002).

Runaway: A runaway youth is any person under the age of 18 who is absent from his legal residence without the consent of his guardian. La. R.S. 46:1352 (2002).

Maine

Homeless Person: A person who lacks or is at high risk of losing an adequate nighttime residence or a person whose primary nighttime residence is a shelter. 30-A M.R.S. § 5002 (2001).

Homeless Student: Any student who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. 20-A M.R.S. § 1 (2001).

Runaway: No specific definition.

Maryland

Homeless Person: An individual who is in need of housing or emergency shelter and proper nutrition. Md. Ann. Code art. 88A, § 132 (2001).

Runaway: No specific definition.

Massachusetts

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of services. Under state law, a child in need of services is, among other things, a child who persistently runs away from the home of the child's guardian. Mass. Ann. Laws ch. 199, § 21 (2002).

Michigan

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. MCLS § 388.1763a (2002).

Runaway: No specific definition.

Minnesota

Homeless Person: Lacking appropriate housing and the resources necessary to access permanent housing and living,

or at risk of living, on the streets or in a shelter. Minn. Stat. § 256K.25. (2001).

Homeless Youth: No specific definition, but could be classified as a targeted youth. Under state law, a targeted youth is any person between 16 and 21 years of age who is in out-of-home placement, leaving out-of-home placement, at risk of becoming homeless, or homeless. Minn. Stat. § 256E.115 (2001).

Runaway: An unmarried child who is absent from the home of a parent or other legal placement without the consent of a guardian. Minn. Stat. § 260C.007 (2001). Runaways could also be classified as an unaccompanied youth or a child in need of services or protection. Under state law, unaccompanied youth may include children in need of services or protection and runaways are listed among those children who are classified as children in need of services or protection. Minn. Stat. §§ 462A.204, 260C.007 (2001).

Mississippi

Homeless: No specific definition, but could be classified as a vagrant. Under state law a vagrant is any person over 16 and under 21 who is able to work and who does not, who has no property for support, who has no visible means of a livelihood, who lacks parental support, and who is not in school attendance. Miss. Code. Ann. § 97-35-37 (2001).

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law a child in need of supervision is, among other things, any child who has reach his 7th birthday and is in need of treatment or rehabilitation because they child runs away from home without good cause. Miss. Code Ann. § 43-21-105 (2001).

Missouri

Homeless Person: An involuntary state, characterized by a lack of habitable housing or shelter. § 67.1062 R.S.Mo. (2001).

Homeless child: Any person under 21 years of age who lacks a fixed, regular and adequate nighttime residence, including a child who is living on the street, in a car, tent, abandoned building or some other form of shelter not designed as a permanent home, is living in a community shelter facility, or is living in transitional housing for less than one full year. § 167.020 R.S.Mo. (2001).

Runaway: No specific definition, but could be classified as a child in need of care and treatment. A child in need of care and treatment is, among other things, a child who is habitually absent from the child's home without sufficient cause, permission, or justification. § 211.031 R.S.Mo. (2001).

Montana

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. Mont. Code Anno., § 20-5-101 (2001).

Runaway: No specific definition, but could be considered a youth in need of intervention. A youth in need of intervention is, among other things, a youth adjudicated for running away from home. "Running away from home" means that a youth has been reported to have run away from home without the consent of a guardian. Mont. Code Anno., § 41-5-103 (2001).

Nebraska

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence and who is living in a publicly or privately subsidized hotel, motel, shelter, or other temporary living quarters or any place not designated for or ordinarily used as regular sleeping accommodations. R.R.S. Neb. § 68-1602 (2001).

Runaway: No specific definition, but could be classified as a child in need of special supervision. Under state law, a child in need of special supervision is, among other things, defined as any child under 18 who is habitually truant from home. R.R.S. Neb. § 28-709 (2001).

Nevada

Runaway and Homeless: Runaway and homeless youth defined as any youth who is without a place of shelter where supervision and care are available or is absent from their legal residence without the consent of a guardian. Nev. Rev. Stat. Ann. § 244.424 (2001). A runaway child could also be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, a runaway. Nev. Rev. Stat. Ann. § 201.090 (2001).

New Hampshire

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child who habitually runs away from home. RSA 169-D:2 (2001).

New Jersey

Homeless Youth: Any person under 22 years of age who is without shelter where appropriate care and supervision are available. N.J. Stat. § 9:12A-4 (2001).

Runaway or Homeless Youth: Any child who is absent from the child's home without consent of the child's guardian, or who is

without a place of shelter where supervision and care are available. N.J. Stat. § 40:5-2.10b (2001).

New Mexico

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a missing child. Under state law, a missing child is any person less than 18 years of age who is reported to any law enforcement agency as abducted, lost or a runaway. N.M. Stat. Ann. § 32A-14-2 (2001). Could also be referred to as a child of a family in need of services. Under state law, a family in need of services is, among other things, a family whose child is absent from the child's place of residence for 24 hours or more without the consent of the guardian. N.M. Stat. Ann. § 32A-3A-2 (2001).

New York

Homeless Person: Any undomiciled person who is unable to secure permanent and stable housing without special assistance. NY CLS Soc Serv § 42 (2002).

Homeless Youth: A person under 21 years of age who is in need of services and is without a place of shelter where supervision and care are available. NY CLS Exec § 532-a (2002). A homeless child could also be classified as a destitute child. A destitute child is, among other things, any child who, through no neglect on the part of the child's guardian, is destitute or homeless. NY CLS Soc Serv § 371 (2002).

Runaway Youth: Any minor who is absent from the minor's legal residence without the consent of the minor's guardian. NY CLS Exec § 532-a (2002). A runaway could also be classified as a destitute child. A destitute child is, among other things, any child who, through no neglect on the part of the child's guardian, is absent from the child's legal residence without the consent of the child's guardian. NY CLS Soc Serv § 371 (2002).

North Carolina

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. N.C. Gen. Stat. § 115C-366 (2001).

Runaway: No specific definition, but could be classified as an undisciplined juvenile. Under state law, an undisciplined juvenile is, among other things, a juvenile 16 or 17 years of age who has run away from home for a period of more than 24 hours.

North Dakota

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. N.D. Cent. Code, § 15.1-19-08 (2002).

Runaway: Any unaccompanied minor who is voluntarily absent from the minor's home without the consent of the minor's guardian and with the intention of evading the direction or control of the minor's guardian. N.D. Cent. Code, § 12.1-08-10 (2002).

Ohio

Homeless: No specific definition, but could be classified as a dependent child. A dependent child is among other things, a child who is homeless or destitute or without adequate parental care, through no fault of the child's guardian. ORC Ann. 2151.04 (Anderson 2002).

Runaway: Any child who is separated from the child's guardian, and appears to be in need of emergency housing and other services. ORC Ann. 5119.64 (Anderson 2002).

Oklahoma

Homeless Person: A homeless individual or family means any person or family who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime residence in a shelter or who has a primary nighttime residence in a public or private place not designed for the regular sleeping accommodations of humans, or who is imminent danger of becoming homeless. 74 Okl. St. § 2900.1 (2002).

Runaway: Under state law, a runaway child is an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a guardian and without the guardian's knowledge of the child's whereabouts. 21 Okl. St. § 856 (2002). A runaway may also be referred to as a delinquent child or a child in need of supervision. Under state law, a delinquent child, among other things, is a minor who is a runaway from his guardian. 21 Okl. St. § 857 (2002). Under state law, a child in need of supervision is, among other things, a juvenile who is willfully and voluntarily absent from home without the consent of a guardian for a substantial length of time or without intent to return. 10 Okl. St. § 7301-1.3 (2002).

Oregon

Homeless Person: A person who has no fixed place of residence or resides in temporary housing such as a hotel or shelter. Or. Admin. R. 309-032-0180 (2001).

Runaway: No specific definition.

Pennsylvania

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a dependent child. A dependent child is, among other things, a child who is without a legal guardian, has been abandoned by the child's guardian, or has committed acts of disobedience relating to the lawful and reasonable commands and control of the child's guardian. 42 Pa.C.S. § 6302 (2001).

Rhode Island

Homeless: No specific definition.

Runaway: No specific definition, but could classify as a wayward child. A wayward child is, among other things, a child who has deserted the child's home without good or sufficient cause. R.I. Gen. Laws §14-1-3 (2001).

South Carolina

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. S.C. Code Ann. § 56-1-3350 (2001).

Runaway: No specific definition, but could be classified as a status offender. Under state law running away is listed as a status offense. S.C. Code Ann § 20-7-30 (2001).

South Dakota

Homeless: No specific definition, but a homeless child could be classified as an abused or neglected child. An abused or neglected child is, among other things, a child who is homeless, without proper care, or not domiciled with the child's guardian through no fault of the child's guardian. S.D. Codified laws § 26-8A-2 (2001).

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision means, among other things, a child who has run away from home or is otherwise beyond the control of the child's guardian. S.D. Codified laws § 26-8B-2 (2001).

Tennessee

Homeless: No specific definition.

Runaway: Any child who is away from home, residence, or any other residential placement of the child's guardians without their consent. Tenn. Code Ann. § 37-1-102 (2001). Under state law, a runaway may also be referred to as an unruly child. The unruly child definition is found in and is the same definition as § 37-1-102. A similar definition of runaway may also be found under § 37-2-502 (2001).

Texas

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act.

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, a child who is voluntarily absent from the child's home without the consent of the child's guardian for a substantial length of time or without intent to return. Tex. Fam. Code § 51.03 (2001). A runaway could also be classified as a status offender. Tex. Fam. Code § 51.02 (2001).

Utah

Homeless: No specific definition, but could be classified as a dependent child. Under state law, a dependent child is a child who is homeless or without proper care through no fault of a guardian. Utah Code Ann. § 62A-4a-101 (2001).

Runaway: No specific definition, but could be classified as a status offender. Under state law, a status offender can be a minor who, among other things, has runaway. Utah Code Ann. § 62A-4a-101 (2001).

Vermont

Homeless: A child of homeless parents means a child whose parents or guardians lack a fixed, regular, and adequate nighttime residence or have a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. 16 V.S.A. § 1075 (2001).

Runaway: A child voluntarily absent from the child's residence without the consent of the child's guardian. 13 V.S.A. § 1311 (2001). A runaway could also be classified as a child in need of supervision. A child in need of supervision is, among other things, abandoned by the child's guardian or beyond the control of the child's guardian. 33 V.S.A. § 5502 (2001).

Virginia

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is a child who remains away from or deserts or abandons his family or guardian or residential care facility on more than one occasion without consent. Va. Code Ann. § 16.1-228 (2001).

Washington

Homeless: No specific definition, but could be classified as a youth in crisis. A youth in crisis is, among other things, any youth under eighteen years of age who is homeless. Rev. Code Wash. (ARCW) § 82.08.02917 (2002).

Runaway: No specific definition, but could be classified as a youth in crisis, an at risk youth, or a child in need of services. A youth in crisis is, among other things, any youth under eighteen years of age who is a runaway from the home guardian. Rev. Code Wash. (ARCW) § 82.08.02917 (2002). An at risk youth is, among other things, a juvenile who is absent from home for at least 72 consecutive hours without the consent of the juvenile's guardian. Rev. Code Wash. (ARCW) § 13.32A.030 (2002). A child in need of services is, among other things, a child who has been reported to law enforcement as absent without consent for at least 24 consecutive hours on two or more separate occasions from the home of the child's guardian or from a court-ordered placement and has a substance abuse problem, exhibits behavior that puts the child or others at risk, is in need of basic necessities, or is in need of available social services including services to maintain or reunite the child's family. Rev. Code Wash. (ARCW) § 13.32A.030 (2002).

West Virginia

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. W. Va. Code § 18-8A-1 (2001).

Runaway: No specific definition, but could be classified as a status offender. A status offender is, among other things, a juvenile who has left the care of the juvenile's guardian, without the consent of the juvenile's guardian or without good cause. W. Va. Code § 49-1-4 (2001).

Wisconsin

Homeless Person: Any person who does not have a place to stay and states that he or she does not have the financial means to acquire housing. Wis. Adm. Code Adm 15.02 (2002).

Runaway: No specific definition, but could be classified as a juvenile in need of protection or services. A juvenile in need of protection or services is, among other things, a juvenile who is habitually truant from home. Wis. Stat. § 938.13 (2001).

Wyoming

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision, among other things, is a child who has not reached his 17th birthday and who had run away from home. Wyo. Stat. § 14-6-402 (2001).

American Samoa

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision is, among other things, a child who has run away from home or is otherwise beyond the control of the child's guardian. American Samoa Code Annotated § 45.0103.

District of Columbia

Homeless Person: Any person or family who has no present possessory interest in a housing accommodation, does not have the financial ability to acquire immediately a possessory interest in a housing accommodation, and has no other living arrangements, has a possessory interest in a housing accommodation but is barred from entry to the housing accommodation, or has a possessory interest in a housing accommodation, but the occupation of the housing accommodation is likely to lead to violence. D.C. Code § 4-703 (2002).

Runaway: No specific definition.

Guam

Homeless Person: Families or individuals who are economically disadvantaged and have no access to shelter. 10 GCA § 17101.

Runaway: No specific definition.

Northern Mariana Islands

Homeless: No specific definition.

Runaway: No specific definition.

Puerto Rico

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. 8 L.P.R.A. §1001 (1999).

Runaway: No specific definition.

Virgin Islands

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a person in need of supervision. A person in need of supervision is among other things, any child who has run away from the person responsible for the child's care. 5 V.I.C. 2511 (2001). ♦

YOUTH IN NEED OF SUPERVISION

Background

Many states and territories permit the juvenile or family court to become involved with young people or families who “need supervision.” Youth and families are considered in need of supervision in a variety of circumstances, including those in which youth have run away from home. In many jurisdictions, a young person who “needs supervision” can be taken into custody by police or other government officials. The youth may then be provided with services before or after going through court proceedings.

State and territorial laws use a variety of terms to refer to young people and families in need of supervision, including the following:

- ◆ CHINCS: Child in Need of Care or Supervision
- ◆ CHINPS: Child in Need of Protection or Services
- ◆ CHINS: Child in Need of Supervision or Child in Need of Services
- ◆ CINA: Child in Need of Aid or a Child In Need of Assistance
- ◆ CINC: Child in Need of Care
- ◆ FINS: Family in Need of Services
- ◆ FWSN: Family with Service Needs
- ◆ JINPS: Juvenile in Need of Protection or Services
- ◆ JINS: Juvenile in Need of Supervision
- ◆ MRAL: Minor Requiring Authoritative Intervention
- ◆ PINS: Person in Need of Supervision
- ◆ YAR: Youth at Risk
- ◆ YINI: Youth in Need of Intervention
- ◆ YINS: Youth in Need of Services.

This publication uses the term “CHINS” to encompass all of these denominations.

Fast Facts

- ◆ 46 jurisdictions have a CHINS statute.
 - In 20 jurisdictions, youth who have run away from home are automatically considered CHINS.
 - In 17 jurisdictions, youth who have run away from home are explicitly considered CHINS if they meet certain criteria in addition to having run away.
 - In 9 jurisdictions, runaway youth are not specifically named as CHINS, but may be considered CHINS for other reasons related to having run away.

- ◆ 14 jurisdictions specify that CHINS who are taken into custody cannot be held with delinquent juveniles.
- ◆ 26 jurisdictions specify the maximum amount of time CHINS can be held in custody without a court order.
- ◆ 4 jurisdictions expressly authorize courts to punish CHINS as they would delinquent youth.
- ◆ 18 jurisdictions expressly authorize courts to force CHINS to pay fines and/or restitution, to undergo drug screening, and/or to relinquish their driver's licenses.
- ◆ 20 jurisdictions provide statutory opportunities for CHINS to receive services without court involvement.

Purpose and Findings

Two CHINS issues were researched for this publication: the circumstances in which young people are considered to be in need of supervision under various state laws; and the consequences for being identified as a CHINS.

46 jurisdictions have a CHINS statute. 10 jurisdictions do not have a CHINS statute: Idaho, Kentucky, Maine, Oregon, South Carolina, Utah, West Virginia, Guam, Northern Mariana Islands and Puerto Rico.

Runaway youth are expressly named as CHINS in 36 jurisdictions. In 19 of those 36, runaway youth are automatically considered to be CHINS: Arizona, Colorado, Delaware, Florida, Iowa, Kansas, Louisiana, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, South Dakota, Tennessee, Wyoming, American Samoa and Virgin Islands. In the remaining 17 jurisdictions, runaway youth are CHINS if they meet certain criteria in addition to having run away, as follows:

In Arkansas, Connecticut, Missouri and Rhode Island, youth who have run away from home are considered CHINS only if they have run away without cause or justification.

In Alaska and New Hampshire, runaway youth are CHINS only if they also need care and/or treatment. Alaska's statute also specifically states that a youth cannot be considered a CHINS solely because the youth's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the community standard.

In Georgia, Mississippi and Virginia, youth who have run away are CHINS if they have both left home without cause and need care and/or treatment.

Illinois, Massachusetts, Michigan, Montana, Oklahoma, Texas, Wisconsin and Washington establish additional required criteria, such as remaining away from home for a specified period of time, running away repeatedly, and being in immediate danger.

Runaway youth could be considered CHINS in nine additional jurisdictions if they are beyond their parents' control or "ungovernable" or for other reasons: Alabama, California, Hawaii, Indiana, Maryland, North Dakota, Ohio, Vermont and District of Columbia.

The consequences of being considered a CHINS vary among jurisdictions. CHINS can almost always be taken into custody without a court order, although at least eight jurisdictions limit the circumstances under which CHINS can be taken into custody: Iowa, Kansas, Louisiana, Massachusetts, Michigan, New York, Oklahoma and Virginia.

Only fourteen jurisdictions specify in their statutes that CHINS who are taken into custody cannot be held with delinquent juveniles: Florida, Iowa, Louisiana, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, Pennsylvania, Virginia, Washington, District of Columbia and Virgin Islands. While many statutes state or imply that CHINS should be released as soon as possible, only 26 jurisdictions specify the maximum amount of time CHINS can be held in custody without a court order.

After a law enforcement or other government official suspects that a young person is a CHINS, several consequences can follow. First, the court can send the youth and/or family for services without opening a court case. This kind of diversion is expressly permitted by 20 jurisdictions: Arkansas, Colorado, Connecticut, Florida, Louisiana, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Texas, Virginia, Washington, Wisconsin, Wyoming and Virgin Islands.

Once a case goes to court, a judge can order many different dispositions for the youth, including: sending the youth to the parent's, guardian's, a relative's or other adult's home; placing the youth on probation; awarding custody to the state or a treatment facility; requiring drug screening (Alabama, Minnesota, Mississippi and North Dakota); revoking or suspending driving privileges (Illinois, Minnesota, Montana, North Dakota, Ohio, Rhode Island, South Dakota, Virginia and Wyoming); or ordering fines or restitution (Alabama, Arizona, Arkansas, Illinois, Minnesota, Mississippi, Montana, Nebraska, New York, South Dakota, Tennessee, Texas and American Samoa).

Parents can be subjected to court ordered treatment in seventeen jurisdictions: Alabama, Alaska, Arkansas, Florida, Iowa, Louisiana, Maryland, Minnesota, North Dakota, Rhode Island, Texas, Virginia, Washington, Wisconsin, Wyoming, District of Columbia and Virgin Islands. Treatment and counseling for youth can be ordered in every jurisdiction. Georgia, Illinois, North Dakota, South Dakota and Vermont explicitly permit

courts to place CHINS, who have committed no other offense, in secure detention facilities for delinquent juveniles.

Analysis

States and territories define CHINS in different ways. Some automatically include runaway youth, while others include these young people only in certain circumstances. Whether it is beneficial for unaccompanied youth to be considered CHINS depends on the consequences of being so classified. If CHINS are not provided with appropriate services or are subjected to incarceration or other punitive sanctions, runaway youth should not be included in the definition. However, even if services are provided, it is important to distinguish between young people who have run away and are living with relatives or friends and those young people who find themselves living on the streets or in other unsafe circumstances. Statutes that limit their CHINS definitions to those young people who have run away from home and need care or are in immediate danger recognize that state interference is unnecessary for and potentially detrimental to some unaccompanied youth.

The label jurisdictions place on their CHINS statutes is also significant. Some jurisdictions use terms such as "Family with Service Needs" (Connecticut) and "Family in Need of Services" (Arkansas, Florida, Louisiana and New Mexico) rather than CHINS. These alternative terms recognize that when young people leave home, it is a sign of family dysfunction. The entire family must be held accountable. Hawaii uses the term "Youth At Risk," which recognizes the dangers facing the youth. States should opt for these more truly descriptive terms. Negative terms such as "unruly" (Georgia, North Dakota, Ohio and Tennessee) and "incorrigible" (Arizona) must be avoided, since such stigmatization will ultimately limit the efficacy of the statute.

Statutes that permit law enforcement or other government officials to take runaway youth into custody infringe on young people's rights, can cause suspicion and hostility between young people and law enforcement, and can dissuade youth from seeking out available services. In some cases, law enforcement intervention can remove youth from dangerous situations. However, the balance between concern for a youth's safety and respect for the youth's rights must be struck carefully. At a minimum, young people should only be permitted to be taken into custody with their consent or if they are in immediate physical danger (e.g., Illinois, Iowa, Kansas, Louisiana, Michigan, Oklahoma and Virginia). If youth are taken into custody, law enforcement should be required to release them within a specified, brief period of time. Youth

should never be returned home against their wishes or housed in facilities with delinquent youth or adults. For example, both Illinois and Indiana specify that youth cannot be returned home against their wishes. Washington law prevents law enforcement from returning a youth home if the young person expresses fear or distress at that prospect.

All jurisdictions should provide services to runaway youth and their families without requiring court involvement. Services such as counseling, family mediation, parenting classes and addiction and mental health services should be widely available at the request of youth and families. For example, Arkansas has created a youth mediation program in its statutes, and New Jersey requires every county to establish at least one juvenile-family crisis intervention unit. If a young person is considered a CHINS, these services should be intensified. The needs, wishes and circumstances of each individual youth should be considered when creating a service plan. Through appropriate, intensive intervention, court involvement can be avoided.

If the court does become involved with a young person, the court should be expressly required to consider the youth's wishes (e.g., Oklahoma) and individualized needs when developing treatment plans and determining where to place the youth. The wishes of older youth in particular should be given great weight in these decisions. Services should address the youth's and family's needs holistically, including needs for housing and appropriate education. Statutes should authorize courts to join school districts as parties to the case when appropriate (e.g., New Mexico). Finally, courts should be authorized and encouraged to make appropriate orders against parents and guardians and to provide extensive voluntary services.

Courts should never be permitted to punish runaway youth for their status with such sanctions as fines, drug screening or suspended driving privileges. Not only do these sanctions punish young people for the mere act of running away, which is an act of self-preservation, but they open the doors for further court involvement. For example, if a young person is ordered to undergo drug screening and is caught under the influence, the juvenile or criminal court will become involved. Similarly, if a young person's driver's license is suspended, and the youth is caught driving to work or school, more restrictive punishments will likely follow. Youth should be provided with a clear process to appeal such punishments, where they exist.

Noteworthy Statutes

Elements of the CHINS statutes of Florida, New Mexico and Wisconsin bear consideration. First, Florida uses the term

"Family in Need of Services" (FINS) as well as "CHINS" to describe runaway youth. The term FINS recognizes that when young people leave home, the stability and health of the entire family is implicated. Florida law specifies that CHINS and FINS cannot be placed in detention facilities under any circumstances. Services must be provided to young people and their families and must increase as needed. Florida's statute also emphasizes that a court must not become involved with the youth or family until after all appropriate services, including family mediation, have been tried and have not solved the problem. The court must then order family services and counseling and can place the youth with another adult or with a service provider. As a whole, Florida's law recognizes the role of the family, provides extensive services and limits the court's involvement in a young person's life. See Fla. Stat. §§ 984.03, 984.04, 984.11, 984.13, 984.14, 984.18, 984.22, 984.225 (2001).

New Mexico's statute also uses the term "FINS" to refer to runaway youth. The law also expressly permits a young person to request services independently. Although police can take runaway youth into custody, they must explain to the youth why he or she is in custody, and can only bring the young person home, to a foster home, to a relative, or to a community-based shelter. New Mexico law also explicitly limits custody to 48 hours without a court order and states that runaway youth cannot be transported in a police car unless necessary for their immediate safety. The law could be improved by decreasing the amount of time youth can be held in custody without a court order. One of the most compelling elements of New Mexico's law is its authorizing the court to join the local school district as a party if there are unmet educational needs. See N.M. Stat. Ann. §§ 32A-3A-2, 32A-3A-3, 32A-9-3, 32A-3B-3, 32A-3B-4, 32A-3B-6, 32A-3B-7, 32A-3B-16 (2001).

Finally, Wisconsin's statutes offer some positive approaches. Although the state uses the term "JINPS," rather than a more family-oriented term, runaway youth are only considered JINPS if the youth or parent request court involvement because reconciliation efforts have failed. This definition recognizes that the court should not intervene until the family has attempted to address the problems independently. JINPS can only be held in custody for 24 hours without a court order. Wisconsin law also gives courts two separate options for referring the family for services without further court involvement: an informal referral for services and a supervised treatment plan. The services the court can provide are compelling, and include: housing assistance, homemaker or parent aide services, respite care, day care or parent skills

and volunteer mentors. The statute explicitly prohibits punitive sanctions, such as detention, restitution or denying driving privileges. See Wis. Stat. §§ 938.13, 938.21, 938.32, 938.34, 938.345 (2001).

Recommendations

- ◆ Exempt runaway youth from CHINS statutes that do not provide appropriate services.
- ◆ Use terms such as “Family with Service Needs,” “Family in Need of Services” or “Youth At Risk” rather than “CHINS,” to recognize the role of the family and the unique dangers facing youth.
- ◆ Reject policies that automatically classify runaway youth as CHINS and distinguish appropriately between young people in different circumstances, such as those who have run away to live with relatives versus those who are in unsafe situations.
- ◆ Distinguish appropriately between young people of different ages.
- ◆ Limit the circumstances under which runaway youth can be taken into custody, if at all.
- ◆ Specify very brief time limits for runaway youth to be held in custody.
- ◆ Prohibit housing of runaway youth with delinquent youth or adults (“commingling”) at any time.
- ◆ Prohibit law enforcement officers to force young people to return home against their wishes.
- ◆ Provide extensive opportunities for young people to avoid court involvement, through diversion programs, counseling, treatment, family mediation, housing assistance and other services and provide adequate time for youth and families to meet treatment goals.
- ◆ Require courts, social workers and other service providers to consider the youth’s wishes and individualized needs when developing treatment plans and determining where to place youth.
- ◆ Consider the young person’s educational needs and authorize courts to join school districts as parties to the case when appropriate.
- ◆ Do not authorize courts to fine young people, order drug screening or suspend driving privileges.
- ◆ Encourage courts to make appropriate orders against parents and guardians and to provide extensive voluntary services.

Research Methodology and Limitations

To compile state statutes defining and classifying young people and families as in need of supervision, our search used the following terms: Child in Need of Supervision, Youth in Need of Supervision, Person in Need of Supervision, Child in Need of Services, Family in Need of Services, Unruly, Delinquent, Wayward, Undisciplined, Incurable, Intervention, In Need and Youth/Child.

The state and territorial law summaries accompanying this analysis summarize the circumstances, in addition to running away, under which young people might be considered to be CHINS.

Our research into the consequences of being characterized a CHINS was limited to the terms and limits of taking the young person into custody and what types of treatment and other consequences a court can order after a hearing finding a youth to be a CHINS. Specific hearing procedures and other details are not included in the summaries. ◆

YOUTH IN NEED OF SUPERVISION

- ◆ CHINCS: Child in Need of Care or Supervision
- ◆ CHINPS: Child in Need of Protection or Services
- ◆ CHINS: Child in Need of Supervision or Child in Need of Services
- ◆ CINA: Child in Need of Aid or a Child In Need of Assistance
- ◆ CINC: Child in Need of Care
- ◆ FINS: Family in Need of Services
- ◆ FWSN: Family with Service Needs
- ◆ JINPS: Juvenile in Need of Protection or Services
- ◆ JINS: Juvenile in Need of Supervision
- ◆ MRAL: Minor Requiring Authoritative Intervention
- ◆ PINS: Person in Need of Supervision
- ◆ YAR: Youth at Risk
- ◆ YINI: Youth in Need of Intervention
- ◆ YINS: Youth in Need of Services

Alabama

The term “CHINS” refers to a child who is in need of care or rehabilitation and also is beyond the control of parents/guardians/custodians, is habitually truant from school, or has committed a status offense. Young people taken into custody as CHINS must be immediately released to a parent/guardian/custodian or another suitable person once the authorities have obtained necessary information, unless there is no suitable person available, such release presents a serious threat to the young person, or the youth has a history of failing to appear in court.

The court may then permit a CHINS to remain with parents/guardians/or custodians, place him or her on probation, or transfer legal custody to the Department of Youth Services, the Department of Human Resources, a licensed local agency or facility willing to provide for the young person, or a qualified relative or other person. The court may also make other orders it finds in the child's best interest, including random drug screens, assessment of fines and restitution, or ordering parents/custodians to promote the child's best interest. A CHINS cannot be sent to a facility for delinquent children unless he or she has been specifically found delinquent or not amenable to treatment, or has been previously found to be a CHINS. Code of Ala. §§ 12-15-1, 12-15-71, 12-15-59 (2002).

Alaska

A court can find a child to be a CINA if the child: is habitually absent from home and at substantial risk of physical or mental injury; is without parents/guardians/custodians due to abandonment, incarceration, or unwillingness to care for the child; needs medical or mental health treatment and parents/guardians/custodians refuse to provide the treatment; has been abused or neglected by parents/guardians/custodians; or has committed an illegal act as a result of pressure, guidance, or approval from parents/guardians/custodians. The statute specifies that a youth cannot be considered a CINA solely on the basis that the youth's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives.

Upon receiving a request to locate a runaway youth, a police officer must take the young person into custody and take him or her home (unless there is reasonable cause to believe that the minor has experienced physical or sexual abuse in the parent's or guardian's household); to another place agreed to by the parent; to a Department of Health and Social Services office; to a program or shelter for runaway youth; or to another facility or location. Runaway youth cannot be housed in jail or other detention facilities, unless they are in severe and imminent danger and there is no other reasonable placement. The youth and his or her family must be informed of available mediation and counseling services.

If a court finds a youth to be a CINA, the court may order treatment for the youth and his or her parent or guardian, commit the youth to the Department of Health and Social Services, release the youth to parent, relative, guardian or other suitable person under supervision, or terminate the parents' rights. The family must be provided with support services. Alaska Stat. §§ 47.10.011, 47.10.019, 47.10.141, 47.10.080, 47.10.086 (2001).

Arizona

The term “incorrigible child” is used to refer to runaways. The term also refers to children who are beyond their parents/guardians/custodians' control, are habitually truant from school, commit status offenses, disobey court orders, or habitually behave in such a manner as to injure or endanger the morals or health of themselves or others. The court may send an “incorrigible child” to live under the supervision of the probation department with a parent, relative or other reputable person or a public or private agency, or directly to the protective supervision of a probation department. The

court may also require the child to pay a fine. A.R.S. §§ 8-201, 8-341, 8-341.01. (2001).

Arkansas

The term “FINS” refers to any family with a child who has run away from home without sufficient cause, permission or justification, or is habitually truant from school, or habitually disobeys parents/guardians/custodians. Children who are suspected to belong to a FINS cannot be held in a detention facility for more than the minimum time necessary for processing unless he or she has been away from home for more than 24 hours and the parent or guardian lives more than 50 miles away. Intake officers may offer services outside the court system if they find it in the best interest of the juvenile and the community.

The court may order family services, transfer children's custody to the Department of Human Services, another licensed agency, a relative or another person, order the parents or guardians to attend a parental responsibility training program, place the child on home detention, order the child, parents or guardians to perform community service, place the child on supervision, impose a fine, service fee or court costs on the child, parents, guardians or custodians. The court may not remove the child from the family and give custody to the Department of Human Services or other agency unless it has ordered appropriate services for the family or the child's health and safety require immediate removal.

Arkansas also has established a Youth Mediation Program to assist FINS. A.C.A. §§ 9-27-303, 9-27-310, 9-27-323, 9-27-328, 9-27-332, 9-27-333, 9-27-336, 9-31-402 (2001).

California

Young people can become wards of the court if they habitually disobey their parents/guardians/custodians, are beyond the control of their parents/guardians/custodians, violate a curfew law, or are truant four or more times in a school year.

Police can take such youth into custody without a warrant, but must advise them of their rights. These young people can be held in shelters, nonsecure facilities or crisis resolution homes, but can only be held in detention facilities for up to 12 hours to determine if there are any warrants against the youth, for up to 24 hours if necessary to find parents or guardians, or up to 72 hours if necessary due to the parents' or guardians' distance or difficulty in locating them. Cal Wel & Inst Code §§ 207, 601, 625 (2001).

Colorado

A young person can be found to be neglected or dependent if the child is homeless or a runaway, has been abandoned, abused or neglected by parents/guardians/custodians, including through failure to provide education, medical and other care, or is beyond the control of his/her parents/guardians/custodians.

Courts can order temporary protective custody for up to 72 hours for neglected and dependent youth at the request of law enforcement officers, the department of social services, or physicians. Courts can also provide informal services without further court hearings.

If a court finds a youth to be neglected or dependent, the court can terminate the parents' rights or approve an appropriate treatment plan. The treatment plan can include sending the youth home, to a relative, or to another person, with or without supervision, providing family services, giving custody to the department of social services, or sending the youth to a foster home or other child care facility. C.R.S. §§19-3-102, 19-3-405, 19-3-501, 19-3-508 (2001).

Connecticut

The term “FWSN” is used to refer to a family with a child who has run away from home without just cause, is beyond the control of parents/guardians/custodians, has engaged in indecent or immoral conduct; is habitually truant from school or has been continuously and overtly defiant of school rules, or is 13 years old or older and has engaged in sexual intercourse with someone who is also 13 years old or older and not more than two years older or younger than such child.

Many people can charge that a family is a FWSN, including police officers, welfare departments, probation officers, school superintendents, the Commissioner of Children and Families, youth service bureaus, parents, or children. A probation officer must investigate the charge and either refer the family, with their consent, to an appropriate service provider or file a petition in court.

If parents report to the police that they are a FWSN, the police must look for their child and tell the parents where the child is. Police may then bring the child home or to another person's home, refer the child to court, hold the child in custody for up to 12 hours, or bring the child to a service provider. A child of a FWSN can be removed from home and placed with a person or agency if there is a strong probability that the child injure herself or run away, or if the child is from another jurisdiction. A hearing about the placement must be held within 10 days.

The court can refer the family for services for up to 3 months before holding a hearing. If those services adequately address the problem, the judge may dismiss the petition. The court can also refer the child to the Department of Children and Families for voluntary services, commit the child to the custody of the Commissioner of Children and Families, or order the child to remain at home or with a relative or other person, under a probation officer's supervision. Conn. Gen. Stat. §§ 46b-120, 46b-121, 46b-149, 46b-149a (2001).

Delaware

The term "dependent child" refers to a child who is homeless, destitute or without proper support or care through no fault of parents/guardians/custodians, or who lacks proper care by reason of the mental or physical condition of the parents/guardians/custodians, or who has been placed in a non-related family home on a permanent basis without the state's consent, or who has been placed with a licensed agency which certifies it cannot complete a suitable adoption plan. Dependent children are wards of the state and must be cared for by the Division of Family Services. 31 Del. C. §§ 301, 304 (2001).

Florida

The term "CHINS" refers to a child who has not been abused or neglected, but has been found by a court to have persistently run away from home, to be habitually truant from school, or to be beyond the control of parents/custodians. The term FINS refers to a family that has a child who has run away from home, is habitually truant from school, is beyond the control of parents/custodians, or who is engaging in other serious behaviors that place the child at risk of abuse, neglect, delinquency. The child must be referred to a law enforcement agency, the Department of Juvenile Justice, or an agency contracted to provide services. Services will increase as needed.

Police may take a CHINS into custody and release him or her to a parent, guardian, custodian, relative or service provider or to the Department of Juvenile Justice, which must also release the child to one of those locations and may provide temporary services. A CHINS can only be placed in a shelter prior to a hearing if the child and parent/guardian/custodian agree or it is required to allow the family and the child to get services or no family is available. CHINS may not be placed in a detention facility under any circumstances.

The court only becomes involved after all services have been tried and have not solved the problem. At any stage, the

family can be referred to mediation services. The court can order the family to participate in services or complete community service, order a parent/guardian/custodian to pay a fine, place the child under the supervision of a service provider, or place the child temporarily with an appropriate adult or agency. The court must order family counseling and other appropriate services. A CHINS can be placed in a secure shelter for up to 90 days only after less-restrictive options have been exhausted, and only if parents/guardians/custodians refuse to provide shelter as a result of the child's behavior, the child refuses to remain at home, or the child has failed to complete a court-ordered program and has been previously placed in a residential program.

Services are provided to FINS on a voluntary basis and include a wide variety of counseling, training and other support services. Fla. Stat. §§ 984.03, 984.04, 984.11, 984.13, 984.14, 984.18, 984.22, 984.225 (2001).

Georgia

The term "unruly child" is used to refer to a child who both is in need of supervision, treatment or rehabilitation, and has run away from home without just cause, loiters in a public place between midnight and 5:00 a.m., is ungovernable by parents/guardians/custodians, is habitually truant from school, has committed a status offense, disobeys as court order, or patronizes a bar without parents/guardians/custodians or possesses alcohol. The police can take an "unruly child" or any child who has run away from home into custody without a warrant and hold them in a facility for unruly children. However, within 12 hours of being taken into custody, the child must be returned to parents/guardians, brought before the court or an intake officer, or released.

The court can order the same consequences for an "unruly child" as for a delinquent child, including counseling, except that it cannot commit an unruly child to the Department of Juvenile Justice unless the child is not amenable to treatment. O.C.G.A. §§ 15-11-2, 15-11-45, 15-11-47, 15-11-67, 15-11-68 (2001).

Hawaii

The terms "YAR" or "YINS" refer to any youth who has been arrested, has had contact with the police, or is experiencing social, emotional, psychological, educational, moral, physical, or other similar problems. YAR are to be provided with services and programs, including case management, counseling and shelter. HRS §§ 352D-2, 352D-3, 352D-4 (2001).

Idaho

No CHINS type statute was found in the Idaho Code.

Illinois

The term “MRAI” is used to include minors who are in immediate physical danger due to running away from home or being beyond the control of parents/guardians/custodians and who refuse to return home or to another voluntary residential placement after being taken into limited custody and offered crisis intervention services. Minors cannot be determined to be MRAI until a set period of time after being taken into limited custody, unless they have been taken into custody four prior times that year.

Police may take into custody any minor who is in immediate danger and who has run away from home or is beyond parent/guardian/custodian control. Police can bring the minor home if he or she agrees and can refer the family to services. If the minor cannot be sent home, either because the minor refuses or a caregiver cannot be found or reached, police must bring the child to a crisis intervention facility or probation department. No minor can be kept in custody for more than 6 hours unless he or she consents.

If authorities believe a minor is a MRAI, there must be a hearing within 48 hours. At that hearing, the court can release the minor to a parent/guardian/custodian, or to a public agency if reasonable efforts to avoid removal from home have been made. The court can only place a MRAI in shelter care if reasonable efforts to avoid removal have been made, and it is urgently necessary for his or her safety or if the minor is likely to flee.

Probation officers must immediately investigate the cases of minors in custody, and release them if appropriate. If parents/guardians/custodians are unable to care for a MRAI and services have not solved the problem, the court may give custody to a relative, other person, agency, school or institution for delinquent children, place the child under the supervision of a probation officer, order the minor partially or completely emancipated, suspend his or her driver's license or order restitution. 705 ILCS §§ 405/3-3 et seq. (2001).

Indiana

The CHINS statute does not directly address homeless and runaway youth. However, homeless or runaway youth may qualify as a CHINS if they have experienced parental neglect or sexual abuse or exploitation, or if they are a danger to their or others' mental or physical health, have exhibited consistent disruptive behavior at school, were born drug or alcohol

affected, have a disability and have been deprived of nutrition or medical care, or are missing children.

Police, probation officers and caseworkers may take CHINS into custody. An intake officer must investigate the case, and the court must appoint a guardian ad litem for the child and hold a hearing the next business day to determine if the child is a CHINS. The court must determine where the child should be placed while permanent options are considered, and must consider placing the child with a relative before another placement. The court must release the child to parents/guardians/custodians unless that would endanger the child, the child is unlikely to return to court, the child asks not to return home, or the parent/guardian/custodian is unable or unwilling to take the child. Burns Ind. Code Ann. §§ 31-34-1-1 et seq.

Iowa

The term “CINA” refers to children who have been abandoned by parents/guardians/custodians, are unaccompanied by parents/guardians/custodians, desire to be emancipated from parents for good cause, have been or are in imminent danger of being abused or neglected, have been denied necessary physical, mental or substance abuse treatment by parents/guardians/custodians, have committed an illegal act as a result of pressure, guidance, or approval from parents/guardians/custodians, or have participated in prostitution or pornography.

Police, juvenile court officers and physicians can take a CINA into custody if the child is in imminent danger and there is not enough time to get a court order. The child must be immediately brought to a designated location, and the court and parents/guardians/custodians must be informed. CINA can be placed in shelter care only if they have no parent/guardian/custodian or other responsible adult to provide shelter, they choose to go to shelter care, or it is necessary to hold the them in shelter until a parent/guardian/custodian comes to get them. Shelter care must be in the least restrictive environment and can only be in a shelter care home, foster home, department of human services facility, or other suitable place that is not used for detention.

After finding a youth to be a CINA, the court can send the youth home under supervision, require parents to provide special treatment or care, send the youth to live with a relative or other suitable person, give custody to an agency, facility, institution, or the department of human services, or require the parent/guardian/custodian to undergo drug testing. If the CINA has previously been placed in one of these options, the CINA can be sent to the Iowa juvenile home at Toledo. CINA cannot be placed in the state training school.

Iowa counties are also specifically authorized to develop runaway treatment plans to address problems with chronic runaway youth and to establish runaway assessment centers. Iowa Code §§ 232.2, 232.21, 232.79, 232.101, 232.102, 232.106, 232.195, 232.196 (2002).

Kansas

The term "CINC" is used to refer to minors who have run away from home or court-ordered placements, are without adequate parental care, control or subsistence and the condition is not due solely to parents'/custodians' financial means, have been abused, neglected or abandoned, are truant from school, or commit a crime or status offense.

Police can take a CINC into custody if the child is in a harmful environment or if a court has ordered it. If there is no court order, the police must bring the child home unless that would not be in the child's best interest. In that case, the child must go to a shelter, court services officer, intake worker or care center. If the child refuses to remain at the shelter, the police must bring him or her to a detention facility for up to 24 hours.

The child cannot be held for more than 72 hours without a temporary custody hearing. The court can send the child home, to another person, to a residential facility or to an agency. Once the court decides a child is a CINC, it can send the child home under supervision, order services, send the child to live with a relative or other appropriate person, a shelter, or a public agency. The court can only remove the child from home if reasonable efforts to prevent removal have not solved the problem or in the case of an emergency. K.S.A. §§ 38-1502, 38-1527, 38-1528, 8-1542, 38-1563, 38-1568 (2001).

Kentucky

No CHINS type statute was found in the Kentucky Code.

Louisiana

The term "FINS" refers to a family with a child who has run away from home, been truant or habitually disruptive in school, is ungovernable, habitually possesses or consumes alcohol, has committed a crime or status offense, possesses a handgun, or whose caretaker has willfully failed to meet with school officials to discuss serious educational problems. The term "CINC" refers to children who have been abused, neglected or abandoned (not solely due to inadequate financial resources).

Police or probation officers may take a child of a FINS into custody if immediate removal from the child's surroundings is necessary for his or her protection or control. The child must then be released to parents or taken to a shelter. While awaiting a court hearing, the youth can be released to a relative or other adult, a juvenile shelter, or housed in a secure detention facility apart from adjudicated delinquent youth. A court or district attorney can refer the youth and family for informal services without further court action. The youth and family can also enter an informal family services plan agreement to provide needed services, under supervision.

After a hearing children of FINS can be ordered to receive counseling, evaluations and other services, sent to live with a caretaker or other person, placed on probation or assigned to an institution or agency. The family can also be ordered to receive counseling, evaluations and other services. FINS youth cannot be placed in a facility for delinquent juveniles. La. Ch.C. Art. 606, 628, 730, 736, 737, 744, 779 (2002).

Maine

No CHINS type statute was found in the Maine Code.

Maryland

The term "CHINS" refers to a young person who requires guidance, treatment, or rehabilitation and is beyond the control of custodians, habitually truant, dangerous to self or others, or has committed a status offense. Police can take a CHINS into custody, but cannot place him or her in detention. A CHINS can be placed in shelter care if necessary to protect the child, property or others, the child is likely to run away, or no parent/guardian/custodian is available, and remaining at home would be harmful and reasonable efforts to prevent removal have been made and will continue. The court must hold a hearing the next court day to determine if shelter care should continue. Services must be provided at the shelter, including health, counseling, education and treatment services.

Once found to be a CHINS, a child may be returned home or to a relative or other person under supervision, ordered to receive services, or committed to a public or private agency. Parents/guardians/custodians can also be ordered to participate in services. Md. Courts and Judicial Proceedings Code Ann. §§ 3-8A-01, 3-8A-15, 3-8A-19 (2001).

Massachusetts

The term "CHINS" is defined as a child under age 17 who persistently runs away from home or is beyond the control of

parents/guardians, or a child between ages 6 and 16 who is habitually truant or disruptive in school. Police may arrest a CHINS only if the child has failed to appear in court before or the officer believes the child has run away and will not appear in court. Police must inform the probation and social services departments and return the child home or to a responsible adult if possible, or bring him or her to a shelter or foster home. If necessary to ensure the child will return to court, the child can be detained.

The court may divert a child to the probation department for informal assistance, or send a CHINS home under supervision and with services or place the child in the care of a relative, probation officer or other adult, a private agency, the department of social services, a therapeutic group home, or the department of youth services. CHINS cannot be sent to a detention facility or training school. Mass. Ann. Laws ch. 119, §§ 21, 39E, 39G, 39H (2002).

Michigan

In Michigan, courts have authority over children under 17 years old who have run away from home without sufficient cause if they have been placed or refused alternative placement or have exhausted or refused family counseling, or who have repeatedly disobeyed parents'/guardians'/custodians' reasonable and lawful commands if the court finds that court-accessed services are necessary. Courts also have authority over a child under 17 years old who is habitually truant or disruptive in school, if the court finds that the child, parent/guardian/custodian and school officials have met and educational counseling and alternative agency help have been sought. Youth between 17 and 18 can be brought into court if services have been exhausted or refused and the youth are addicted to drugs or alcohol or associating with criminal or disorderly persons or prostitutes.

Police can take any child into custody whose health, morals, or welfare is in danger. Parents/guardians/custodians must be immediately notified. The child can be held in a detention facility while awaiting parents/guardians/custodians if he or she is isolated from adults. Prior to a hearing on the child's conduct, the court may send the child home, to a foster home, to an institution or agency, or to detention if the child violated a court order and requires detention.

After a hearing, the court may give the parents/guardians/custodians a warning, put the child under supervision at home or in a relative's home, place the child on probation, in foster care or in a public or private institution, and order community service and court costs. MCLS §§ 712A.2, 712A.14, 712A.15, 712A.18 (2001).

Minnesota

The term "CHINPS" is used to refer to children who have run away from home, are habitually truant from school, have engaged in prostitution or have been abandoned, abused or neglected. Police can give CHINPS notice to appear in court, or take them into custody if they have run away from home or are in danger. Parents/custodians must be informed and can request that the child be placed with a relative or other caregiver instead of in a shelter. CHINPS must be returned home or to another caregiver unless he or she would be a danger to self or others or run away. CHINPS cannot be placed in a shelter or other caregiver's home for more than 72 hours without a court hearing and cannot be placed in detention facilities.

The court must make sure that culturally appropriate services are provided to address the family's issues. Once determined to be CHINPS, the court can send the child home under supervision, transfer custody to an agency, order parents/guardians/custodians to provide needed special services, impose a fine, drug-testing or community service, suspend or deny the child's driver's license, or permit a child 16 years old or older to live independently. In addition to these options, for runaways, courts can also order family counseling or placement in a group foster home, or transfer custody to another adult. Minn. Stat. §§ 260C.007, 260.012, 260C.143, 260C.175, 260C.176, 260C.181, 260C.201 (2001).

Mississippi

The term "CHINS" refers to a youth under age 17 who is in need of treatment or rehabilitation due to running away from home without good cause, being habitually truant or habitually disruptive in school, or being ungovernable. When a CHINS is taken into custody, the court must release the child to a parent/guardian/custodian unless reasonable efforts to keep the child home have been made and failed, and custody is necessary because the child is in danger or is dangerous to others, the child is likely not to return to court or no parent/guardian/custodian is available. In these cases, the child may be held for up to 48 hours. CHINS can also be held in custody in emergency cases.

After a hearing, courts can order CHINS to be released without further action, be sent home or to a relative or other person under conditions or supervision, receive treatment, perform community service, pay restitution, undergo drug testing, or be transferred to the custody of a public or private organization or the Department of Human Services for placement in a wilderness training or other program, but not to a

training school. Miss. Code Ann. §§ 43-21-105, 43-21-301(3)(b), 43-21-309, 43-21-607 (2001).

Missouri

A person in Missouri is considered to be in need of care and treatment if he or she is under 18 years old and is without care, custody or support, is living in a room or building that is a public nuisance, or has been neglected or denied education or medical care by parents or guardians. A person under 17 years old is in need of care and treatment if he or she is habitually absent from home without sufficient cause, permission, or justification, is beyond the control of parent/custodians, is repeatedly and unjustifiably truant from school, is injurious to self or others, or commits a status offense. When a child is taken into custody, the court must inform the family of their right to request a hearing. On request, the hearing must be held within three days. §§ 211.031, 211.032 R.S.Mo. (2001).

Montana

The term "YINI" refers to youth who commit a status offense, including running away from home or habitual truancy, if parents/guardians/custodians have exerted all reasonable efforts to mediate, resolve, or control the youth's behavior. If a YINI is taken into custody, a hearing must be held within 24 hours. If the hearing is late, the child must be released. The court can order the child to be held only in shelter care, and only if necessary to address the situation and it is not possible for the youth to stay at home, if necessary to assess the youth, if necessary to protect the youth or prevent bad behavior, if necessary to provide time for case planning, or if necessary to provide intensive crisis services aimed toward returning the youth home. Shelter care includes both placement in a licensed shelter and placement on house arrest.

A probation officer can resolve a YINI case informally by providing counseling or other services, or voluntarily accepted treatment. If the court hears the case, the court cannot place the youth in a correctional facility, but can place the youth on probation or house arrest, order residential treatment, commit the youth to a public agency for residential placement if reasonable efforts have failed to prevent removal from the home, require restitution and court costs, community service, mediation, counseling, evaluations or other services, suspend the youth's driver's license, or send the youth to an assessment center for up to ten days. Mont. Code Anno., §§ 41-5-103, 41-5-332, 41-5-334, 51-5-342, 41-5-345, 41-5-347, 41-5-1301, 41-5-1512, 41-5-1522 (2001).

Nebraska

The juvenile court has authority over any juvenile who is habitually truant from home or school, homeless, destitute, abandoned or neglected, beyond the control of parents/guardians/custodians or dangerous to self or others. These children cannot be held in secure detention or treatment centers.

Police can take a juvenile into custody if they have run away from home or are seriously endangered in their surroundings. The juvenile can be released or committed to the Department of Health and Human Services. Police can also turn the child over to a probation officer to investigate the situation and release the child to a parent, relative or other adult. If necessary, the child can be placed in a public or private institution.

After a hearing, the court may send the child home under supervision or to another adult or family, an institution, mental health facility, or the Department of Health and Human Services. The court may also order restitution, community service or probation. R.R.S. Neb. §§ 43-247, 43-248, 43-250, 43-251.01, 43-253, 43-254, 43-284, 43-286 (2001).

Nevada

The terms "neglected child," "delinquent child," and "CHINS" are defined as people under age 18 who: are found wandering and have no home, no settled place of abode, no visible means of subsistence or no proper guardianship; are destitute; are found begging or are found in any public place for the purpose of begging, even if doing so under the pretext of selling items or of giving public entertainment; are beyond the control of parents/guardians/custodians; are found living in a house of ill fame or with any disreputable person; have been neglected or abandoned by parents; live in an unfit home due to parents/guardians/custodians' neglect, cruelty or depravity; unlawfully go to a bar or habitually use alcohol or drugs; are habitually truant; lead idle, dissolute, lewd or immoral lives or are guilty of indecent conduct; use indecent language; or violate any law.

However, the law specifies that children who are runaways, unmanageable or habitually truant are CHINS and not delinquents.

Police can take CHINS into custody, and parents/guardians/custodians and a probation officer must be notified. The child must then be released within 24 hours to a parent or other adult unless impracticable or inadvisable. If not released, the child must be taken to court and may be detained or placed on home detention only if he or she has

threatened to run away or is accused of violence or violating a supervision decree. The child must then be placed in a non-secure placement, like a shelter. CHINS cannot be placed in a detention facility unless they are a danger to themselves or others or are likely to run away. Before a court can determine that a child is a CHINS, it must find that reasonable efforts were taken to help the child. Courts can also release and refer CHINS to services and counseling in the community if the child has not been a CHINS before. Nev. Rev. Stat. Ann. §§ 201.090, 62.040, 62.132, 62.170, 62.212 (2001).

New Hampshire

The term “CHINS” refers to youth under age 18 who both need care, guidance, counseling, discipline, supervision, treatment, or rehabilitation and habitually run away from home, repeatedly disobey parents/guardians/custodians and place themselves or others in unsafe circumstances, are habitually truant from school without sufficient cause or habitually commit status offenses.

Police can take into custody a child who has run away from home or is in dangerous circumstances. The child must be released to parents/guardians/custodians unless they are not available. In that case, the court shall release CHINS to a parent, guardian, relative, other adult, friend, foster home, group or crisis home or shelter. Police can place the child in non-secure detention or other alternative program while waiting for parents/guardians/custodians to arrive.

The court can refer CHINS and their families to diversion programs or other services. After a hearing, CHINS must be placed in the least restrictive setting, including with parents/guardians/custodians under supervision and with counseling, with a relative or other adult, or in a group home, crisis home, shelter, foster home. The court can also order community service, participation in appropriate after-school or evening programs, or physical or mental health treatment. 12 RSA §§169-D:2, 169-D:8, 169-D:9, 169-D:9-a, 169-D:9-b, 169-D:9-c, 169-D:10, 169-D:13, 169-D:17 (2002).

New Jersey

The term “juvenile-family crisis” is used to refer to behavior or a condition of a juvenile, parent, guardian, or other family member which results in a youth running away from home for more than 24 hours, a serious conflict between a parent/guardian and juvenile, a serious threat to a youth’s well-being and safety, or habitual truancy from school.

Law enforcement officers can take youth into custody if they have run away from home or are in serious danger and must

be taken into custody for their protection. The officer must notify the juvenile-family crisis intervention unit and bring the youth home or to a relative’s home. Youth can be held for a maximum of 6 hours and cannot be held in detention facilities.

Every county must establish at least one juvenile-family crisis intervention unit to provide services for youth and families. The unit can assist the family with or without court involvement.

After a hearing, a court can order services through the juvenile-family crisis intervention unit, send the youth home or to a relative or other person, place the youth under the care of the department of human services, or order education or counseling. Youth involved in a juvenile-family crisis cannot be placed in a secure facility or facility for delinquent juveniles. N.J. Stat. §§ 2A:4A-22, 2A:4A-31, 2A:4A-32, 2A:4A-43, 2A:4A-46, 2A:4A-76 (2002).

New Mexico

The term “FINS” is used to refer to a family in which a child runs away for 24 hours or longer, refuses to live at home, or is truant from school more than ten days during a semester or which refuses to permit a child to live with them. The term “CHINS” refers to a child in need of care or rehabilitation who commits a status offense.

Any family member, including children, can request services as a FINS. Police can take a child into custody who has run away from home, is ill or injured, has been abandoned or is in immediate danger. The police must tell the child why he or she is in custody, and the child can be returned to parents/guardians/custodians or placed in a foster home, community-based shelter or relative’s home. The child cannot be transported in a police car unless necessary for his or her immediate safety, and cannot be held for more than 48 hours without court involvement. The court must then send the child home unless that would put the child in danger or parents/guardians/custodians are unable or unwilling to care for the child. The court can also order assessment and referrals. Children of FINS cannot be held in detention facilities.

After a hearing, the court can send the child home with conditions, place the child under supervision, transfer custody to the department, an agency or a noncustodial parent, and joining the local school district as a party if there are unmet educational needs. N.M. Stat. Ann. §§ 32A-3A-2, 32A-3A-3, 32A-9-3, 32A-3B-3, 32A-3B-4, 32A-3B-6, 32A-3B-7, 32A-3B-16 (2001).

New York

The term “destitute child” means a child who is not neglected by parents/guardians/custodians but is homeless or destitute,

suffering from a lack of food, clothing, shelter or medical care, or is under age 18 and has left home without consent of parents/guardians/custodians or is without shelter.

The term "PINS" refers to a person under 18 years old who is beyond the control of parents/guardians or habitually truant from school.

Police can return runaway youth to their parents if it appears they have run away without just cause. Runaway youth can also be taken to a social services facility, foster home, or secure detention facility certified by the division for youth for up to 72 hours without a court hearing. PINS 16 years old or older cannot be detained unless the court find special circumstances.

The court can refer a youth for services without further court involvement. The department of public welfare must care for destitute children who cannot be cared for in their homes. The department must also provide necessary assistance, supervision and treatment, examinations and health care for PINS and may place PINS and destitute children in foster care, under supervision, or group homes or institutions if those are necessary or are the least restrictive appropriate placement. Vocational training and summer camp can also be provided.

After a hearing, a court can discharge a PINS with a warning, release him or her to parents, a relative or other adult, award custody to the department of social services, or order probation, restitution and alcohol awareness counseling. NY CLS Soc Serv §§ 371, 398; NY CLS Family Ct Act § 712, 718, 720, 724, 729, 735, 754, 756, 757, 758 (2002).

North Carolina

The term "undisciplined juvenile" refers to young people aged 6 to 17 who have run away from home for a period of more than 24 hours, are beyond the control of parents/guardians/custodians or are regularly found in places where it is unlawful for a juvenile to be, and to children aged 6 to 15 who are truant from school.

Police can take undisciplined juveniles into custody and must notify parents/guardians/custodians. The police can send the juvenile home or file a petition, with a court counselor's approval, to keep the juvenile in custody. The juvenile cannot be held for more than 12 hours without a court order. The court can only order custody if the juvenile has run away from home and agrees to custody, has run away from a residential facility, is suicidal, or there are also delinquency issues or custody is necessary for up to 72 hours for evaluation. Undisciplined juveniles can be placed with relatives, in foster homes or in other facilities.

After a hearing, the court can order needed examinations, evaluations and treatment, send the child home under supervision and conditions, place the child with a service agency, an appropriate person or in the custody of the department of social services, and permit alternative education placement. N.C. Gen. Stat. §§ 7B-1501, 7B-1900, 7B-1901, 7B-1903, 7B-1905, 7B-2502, 7B-2503 (2001).

North Dakota

The term "unruly child" refers to children who are in need of treatment or rehabilitation and are ungovernable, are willfully in a situation dangerous to the child or others, are habitually truant from school without justification, have committed status offenses, or have purchased, possessed or used tobacco.

Police can take children into custody if they are in immediate danger or have run away from home. Children can only be detained or placed in shelter if necessary to protect the child or others, and only in foster homes, child welfare facilities, detention centers, or other suitable places. The court can order continued shelter care for up to 60 days.

If the family agrees to conditions and counseling, the child can be sent home without court involvement. Otherwise, the court can send the child home under supervision and conditions, to a relative or another person, to a camp or institution, or to a public or private agency, require parents/guardians/custodians to participate in treatment, place the child on probation, order community service or drug/alcohol testing, or revoke the child's driver's license. N.D. Cent. Code §§ 27-20-02, 27-20-10, 27-20-13, 27-20-14, 27-20-15, 27-20-16, 27-20-17, 27-20-30, 27-20-31, 27-20-32 (2002).

Ohio

The term "unruly child" includes children who are wayward or habitually disobedient to parents/teachers/guardians/custodians, are habitually truant from school, are dangerous to self or others, or commit status offenses.

Unruly children can be taken into custody when they have run away, their health or welfare is endangered, or they may not appear in court. They may be held in jail for up to 3 hours for processing. They must then be sent home, unless a court determines they need to be held in detention or shelter care because it is necessary for their safety, because they may run away, or if they have no parents/guardians/custodians or other person to care for them. Unruly children may be held only in foster homes, child welfare facilities or other suitable places, or in detention until the next business day if they are taken into custody on a weekend or holiday.

After a hearing, the court can place the child in protective supervision, send the child to a private or public agency, parent, relative or foster home, order community service, drug/alcohol counseling or other conditions, revoke the child's driver's license, or order alternative education. ORC Ann. §§ 2151.022, 2151.31, 2151.311, 2151.312, 2151.353, 2151.354 (Anderson 2002).

Oklahoma

The terms "CHINS" and "JINS" refer to juveniles who leave home without parent/guardian/custodian consent for a substantial length of time or without intent to return, who have repeatedly disobeyed reasonable and lawful commands of parents/guardians/custodians, or who are truant from school.

Police can take children into custody if they have run away from home for a substantial period of time or are in danger. CHINS can be detained only if necessary to protect them or the public or to assure their appearance in court. CHINS can only be detained in shelter care or foster care. A court may order a runaway to be held in juvenile detention if necessary for his or her safety. CHINS can be returned home or released to an attorney or other adult.

After a child is found to be a CHINS, he or she may be sent home, to a relative's home, foster home, group home, transitional living program, independent living program, community-based setting, rehabilitative facility or child care facility. The child may express a preference as to placement. 10 Okl. St. §§ 7207, 7301-1.3, 7302-5.2, 7303-1.1, 7304-1.1 (2002).

Oregon

No CHINS type statute was found in the Oregon Code.

Pennsylvania

The term "dependent child" refers to a child who is without parents/guardians/custodians, is ungovernable and needs care, treatment or supervision, is neglected or abandoned by parents/guardians/custodians, or is habitually truant without justification. Police can take a child into custody if he or she is in imminent danger or has run away from home. Police must immediately notify the child's parents and can only hold the child for up to 24 hours without a court order. The child must be held only in a medical facility, foster home, child welfare facility or other appropriate facility.

A probation officer can refer a dependent child for services in the community. If the case goes to court, the court can send the child home under conditions or supervision, to a relative or other adult, or to a public or private agency. 42 Pa.C.S. §§ 6302, 6315, 6323, 6324, 6327, 6351 (2001).

Rhode Island

The term "wayward" is used to describe a child who has deserted his or her home without good or sufficient cause, who habitually associates with immoral persons, who is leading an immoral life, who habitually disobeys reasonable commands of parents/guardians/custodians, who is habitually truant or disobedient in school, or who has violated the law.

Wayward children can be taken into custody for up to 24 hours without a court order. The court can send a wayward child home or to a relative or other person under supervision or on probation, to the department of children, youth and families, or to a training school and may order community service, revoke the child's driver's license or order the child's parents to receive counseling. R.I. Gen. Laws §§ 14-1-3, 14-1-25, 14-1-32, 14-1-36, 14-1-67 (2001).

South Carolina

No CHINS type statute was found in the South Carolina Code.

South Dakota

The term "CHINS" refers to a child who has run away from home, who is beyond the control of parents/guardians/custodians, who is a danger to self or others, who is habitually truant from school, or who has committed a status offense. Police can take CHINS into custody. The child must then be sent home, or to a shelter if a parent/guardian/custodian cannot be found or an intake officer decides the parent/guardian/custodian is not suitable. The child may only be placed in detention if the child has failed to follow court-ordered services, is being held for another jurisdiction as a runaway or probation violator, has shown a tendency to run away, detention is necessary to prevent harm to the child or others. The state's attorney can refer the child for informal supervision and treatment if the parent/guardian/custodian and the child agree.

If the child is not sent home, he or she can be held for up to 48 hours to wait for a court hearing. The court can send the child home with or without conditions, or place the child in foster care or shelter if the child has failed to follow court-ordered services, is being held for another jurisdiction as a runaway or probation violator or has shown a tendency to run away, or detention is necessary to prevent harm to the child or others. The child can be held in detention only if he or she violated a court order.

After the child is found to be a CHINS, the court can send the child home or to a relative or other person under

conditions or supervision, place the child on probation, order a supervised work program or alternative education program, order restitution, commit the child to the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center, impose a fine, or revoke the child's driver's license. S.D. Codified Laws §§ 26-7A-10, 26-7A-11, 26-7A-14, 26-7A-20, 26-8B-2, 26-8B-3, 26-8B-6 (2001).

Tennessee

The term "unruly child" refers to children needing treatment and rehabilitation who have run away from home, habitually disobey parents/guardians/custodians so as to endanger their safety, are habitually truant from school without justification, or commit status offenses.

Unruly children can be detained or placed in shelter care for up to 24 hours without a court hearing. The court can order continued detention up to 72 hours before a full hearing. They can be held in a secure facility if they have violated a court order or run away from another jurisdiction, or if the risk of flight or serious physical injury leaves no alternative.

After a hearing, a court can order a fine or community service, place the youth with a suitable adult, agency or facility, place the youth on probation, or refer the youth to the department of children's services juvenile-family crisis intervention program. If the youth is placed in shelter care or another temporary placement, necessary services must be provided. Tenn. Code Ann. § 37-1-102, 37-1-114, 37-1-131, 37-1-132 (2001).

Texas

The statute uses the expression "conduct indicating a need for supervision" to include running away from home for a substantial length of time or without intent to return, habitual truancy, and violation of school rules.

Law enforcement officers can take a youth into custody for conduct indicating a need for supervision. In some cases, the officer can issue a warning to the youth and parents instead of taking the youth into custody. Once in custody, the youth must be immediately returned home or to another adult, brought before the juvenile board, or brought to a detention facility. In some cases, the officer can dismiss the case without involving the court, by referring the youth to another agency, conferencing with the family, or referring the family for other services. Juvenile boards can also establish first offender programs for youth who are taken into custody for conduct indicating a need for supervision. Participation must be voluntary

and can result in restitution, community service, required reporting to law enforcement, school, counseling, or other services. Cases can also be diverted later in the court process, to allow families to agree to participate in services without court involvement.

The court must hold a detention hearing within 2 days and must release the youth unless necessary to prevent flight, provide suitable supervision and care, or protect the youth or the public. The court can order physical or mental health examinations at any time.

After a hearing, the court can order parents or other responsible persons to receive counseling or take other actions. The court can also order restitution or counseling or provide referral information for social services. Tex. Fam. Code §§ 51.03, 51.20, 52.01, 52.02, 52.03, 52.031, 53.03, 54.01, 54.041, 59.003, 59.004 (2002).

Utah

No CHINS type statute was found in the Utah Code.

Vermont

The term "CHINCS" refers to children who are beyond the control of parents/guardians/custodians, habitually truant from school, abandoned or abused by parents/guardians/custodians, or without proper parental care or subsistence, education or medical care.

CHINCS can be taken into custody and must be immediately released to parents or brought to court. Runaway youth must be brought home or to an organization that assists runaway youth and their families.

The department of social and rehabilitation services must assess the youth's medical, psychological, social, educational and vocational needs and recommend services. After a hearing, the court can send the child home with conditions, place the child under protective supervision, send the child to a foster home, treatment or educational institution or child placing agency, or order parents to ensure the youth complies with the orders. CHINCS who are beyond the control of parents/guardians/custodians or habitually truant from school can be placed in facilities for delinquent children.

33 V.S.A. §§ 5502, 5511, 5527, 5528, 5535 (2001).

Virginia

The term "Child in Need of Supervision" refers to children who are habitually truant from school without justification after being offered appropriate educational services and those who run away from home or a court-placement without

reasonable cause and whose life or health is in substantial danger, if court intervention is essential to provide the treatment, rehabilitation or services needed by the child or his family. The term Child in Need of Services is used to refer to children whose behavior is a serious threat to their well-being and safety. However, any child who runs away from home due to physical, emotional or sexual abuse will not be considered in need of services for that reason alone.

Either type of CHINS can be taken into custody if necessary to ensure the child will appear in court or there is a clear and substantial danger to the child's life or health. Runaway youth can be taken into custody if there is a clear and substantial danger to their welfare.

CHINS must be sent home or to another adult or brought to court. They can be brought to shelter care after a detention order is issued. Runaway youth must be sent home, released, or placed in shelter care for up to 24 hours if a detention order has been issued. A court can issue detention orders for several reasons, including if the youth does not consent to return home. CHINS cannot be placed in detention facilities.

The court cannot become involved unless the youth and family have been referred to and made a reasonable effort to use community treatment and services.

After a hearing, CHINS can be sent home under conditions, permitted not to attend school if age 14 or older, permitted to work if age 14 or older, ordered to do community service, sent to a foster home, residential facility or independent living program, or placed with a relative or other adult, child welfare agency or facility. The court can order their parents to participate in treatment programs or take other actions.

CHINS must be evaluated to determine their service needs. The court can then make any order permitted for a CHINS, place the youth on probation, suspend driving privileges, order the youth or parents to participate in treatment programs or take other actions, or order community service. Va. Code Ann. §§ 16.1-228, 16.1-246, 16.1-247, 16.1-248.1, 16.1-260, 16.1-278.4, 16.1-278.5 (2001).

Washington

The term "at-risk youth" refers to youth who: are absent from home for at least 72 consecutive hours without parental consent; are beyond the control of parents so as to endanger the youth or another person; or have a substance abuse problem. The term "CHINS" refers to juveniles who: have been absent from home or a court placement for at least twenty-four consecutive hours on two or more occasions; are beyond the control of parents so as to endanger the youth or

another person; have serious substance abuse problems; have exhibited behavior that create a serious risk to health or welfare; or need food, shelter, health care, clothing, education or family reunification services.

A law enforcement officer must take a youth into custody if a parent, agency or court reports a child as a runaway youth, a youth is in danger, or a youth is violating a curfew ordinance. The youth must be immediately returned home, or at the parent's request to a relative, other adult, crisis residential center, the department, or a licensed youth shelter. The youth can also be brought to a designated crisis residential center's secure facility or a center's semi-secure facility if the youth expresses fear or distress at the prospect of being returned home, or no parent is available, or placed in another out-of-home placement by the department. If none of those options are available, the officer must try the following, in order: the home of an adult extended family member; a responsible adult; or a licensed youth shelter. If no option is available, the youth must be released. The more restrictive of these placements can only last 72 hours without a court order.

Crisis residential center staff must make reasonable efforts to protect the child and achieve a reconciliation of the family and inform the parent and youth of: the availability of counseling services; the right to file a CHINS petition; the right to a multidisciplinary team; the right to request a mental health or chemical dependency evaluation; and the right to request treatment in a program.

Youth can file CHINS petitions on their own behalf, and can object to particular out-of-home placements. Parents can file CHINS or at-risk youth petitions. After a hearing, a court may reunite the family and dismiss the case or approve an out-of-home placement. Family reconciliation services, including referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family, and training in parenting, conflict management, and dispute resolution skills, must be provided if requested.

At-risk youth can also be ordered to attend school, receive counseling, participate in a substance abuse or mental health outpatient treatment program, report regularly to an agency, get a job, complete an anger management program, refrain from using alcohol or drugs, or other requirements. Their parents can be ordered to attend counseling or other services. Rev. Code Wash. (ARCW) §§ 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.120, 13.32A.130, 13.32A.179, 13.32A.040, 13.32A.191, 13.32A.196 (2002).

West Virginia

No CHINS type statute was found in the West Virginia Code.

Wisconsin

The term “JINPS” refers to youth who: habitually run away from home if the youth or parent/guardian/caretaker request court involvement because reconciliation efforts have failed; whose parent/guardian request court involvement and cannot control the youth; are habitually truant from school after intervention; or have dropped out of school.

JINPS can be taken into custody and held for 24 hours without a court order. The court can then send JINPS home or to another adult with restrictions, including electronic monitoring. The court can also dismiss the case and refer the family for informal services, or enter a consent decree that suspends the case, places the youth under supervision and orders actions of the youth or family.

After a hearing, the court can send JINPS home to parents or another relative and order counseling of the youth or family, place the youth under supervision, order homemaker or parent aide services, respite care, housing assistance, day care or parent skills training, a volunteer role model and general monitoring, send the youth to teen court, or order intensive supervision. JINPS cannot be placed in serious juvenile offender programs or secure facilities, ordered to pay restitution, denied driving privileges, or ordered into detention or nonsecure custody. Wis. Stat. §§ 938.13, 938.21, 938.32, 938.34, 938.345 (2001).

Wyoming

The terms “CHINS” is used to refer to youth under 17 years old who have run away from home, are habitually truant, habitually disobey reasonable and lawful demands of parents/guardians/custodians, commit status offenses, or are beyond control.

Law enforcement officers can take into custody runaway youth and any CHINS who is a danger to self or endangered by his/her surroundings. The youth must be sent home or to another adult and cannot be placed in detention or shelter care unless it is required for the youth's protection, to prevent flight, or to provide care. CHINS must be held in the least restrictive placement, including a foster home or other child care facility. CHINS cannot be held in jail or the state boys' or girls' school, but can be held in a separate detention home.

The department of family services must prepare a family study, including consulting with the youth's school to

determine educational needs. The court must also appoint a multi-disciplinary team to recommend a disposition for the youth. The court can also issue a consent decree, with the youth's consent, to provide services and supervision without further court involvement.

After a hearing, the court can send the youth home under protective supervision, place the youth under supervision with a relative or other adult, transfer custody to a public agency, revoke driving privileges, order community service, work, counseling or treatment (including placement in a facility or school for that purpose), or order the parents to receive evaluation and treatment (including parenting classes). CHINS cannot be sent to the state boys' or girls' school. Wyo. Stat. §§ 14-6-402, 14-6-405, 14-6-406, 14-6-407, 14-6-427, 14-6-428, 14-6-429 (2001).

American Samoa

The term “CHINS” refers to a child who has run away from home, is a danger to self or others, is beyond the control of parent/guardian/custodian, or is repeatedly truant from school. Police can take into custody a child who has run away, been abandoned, is in serious danger, or seriously endangering others. The child must be released to a parent or other adult, unless detention in a shelter is necessary for the child's welfare or the protection of the community. A court must then review the case within 48 hours and determine if continued shelter placement is necessary.

After a hearing, the court may send a CHINS home with parents or guardians under conditions, place the child on probation, place the child with a relative or other person under conditions, order supervised work, place the child in a child care center, commit the child to the department of health or another agency, or order restitution. American Samoa Code Ann., §§45.0103, 45.0201, 45.0202, 45.0203, 45.0210, 45.0352 (2002).

District of Columbia

The term “CHINS” is used to refer to a child who is both in need of care or rehabilitation and is ungovernable by parents/guardians/custodians, is habitually truant from school, or has committed a status offense. CHINS can be held prior to a court hearing only in a foster home, group home, shelter or detention home designed for CHINS.

After a hearing, the court can let the child remain with parents, guardians or other custodians with necessary treatment, parenting classes, and/or family counseling. The court can also place the child under protective supervision or probation,

transfer custody to a public or private agency, relative or other appropriate person, or if necessary commit the child to a facility for medical, psychiatric, or other treatment. The child must complete at least 90 hours of community service. Children who are found to be CHINS twice may be placed in a facility for delinquent children. D.C. Code §§ 16-2301, 16-2313, 16-2320 (2001).

Guam

No CHINS type statute was found in the laws of Guam.

Northern Mariana Islands

No CHINS type statute was found in the laws of the Northern Mariana Islands.

Puerto Rico

No CHINS type statute was found in the Puerto Rico Code.

Virgin Islands

The term "PINS" refers to children who have run away from home, are beyond the control of parents/guardians/custodians, use alcohol or drugs, or are habitually truant from school. Police may take into custody a child who has run away, is in immediate physical danger, or has no parent/guardian/custodian or other person to care for him or her. The child must be sent home with a warning or bring the child to an intake officer, shelter care or medical facility. If the child is brought to shelter care, the Attorney General must review the case and release the child unless shelter care is necessary to protect the child or there is no person or agency able to care for the child and the child is unable to care for himself. If the child is not released, a court hearing must be held within 48 hours. The court can continue the shelter placement or release the child under supervision or conditions. If the child agrees, the court can also divert the child to services in the community.

After a hearing, the court can send a PINS home under conditions, place the child on probation, order treatment or shelter care, and require actions of the parents. 5 Virgin Islands Code §§ 2502, 2511, 2513, 2514, 2516, 2519, 2521 (2002). ♦

STATUS OFFENSES

Background

Status offenses are behaviors or actions that are legally punishable only when performed by minors (persons under an age of majority as established by a jurisdiction). They are purportedly designed to protect young people from harm and victimization and to prevent delinquent acts. However, they also restrict the rights of young people and can result in entangling otherwise law-abiding youth with the juvenile justice system. Three specific types of status offenses with the greatest impact on unaccompanied youth were researched for this analysis: running away from home; truancy from school; and violating curfews.

Young people who run away from home do so for their own survival. A recent study of youth who had run away from home or had been kicked out of their homes found that over one-third reported sexual abuse and one-half reported physical abuse in the home.¹ Severe dysfunction in the home is also common. For example, over two-thirds of the youth reported that at least one parent abused drugs or alcohol. Tragically, they often find further victimization waiting for them on the streets. Unaccompanied youth are frequently the victims of assaults, robberies and sexual assault and exploitation.² These young people need support and assistance. How the law characterizes them not only determines the services that will be made available to them, but also indicates how society views them. Both the practical and symbolic effects are important for young people.

Truancy and compulsory education statutes are designed to ensure that young people attend school. Education can provide young people with many benefits, including academic and social skills, job skills and the opportunity for higher education. However, truancy laws can be very damaging to youth who are on their own. Unaccompanied youth may have difficulty complying with compulsory school attendance requirements for a number of reasons, including unstable and inadequate living environments, unmet educational and psychological needs, lack of transportation to school and employment responsibilities.

Curfew statutes prohibit young persons from being on the street and possibly in other public places at stated times of the day. These statutes are particularly severe for unaccompanied youth. Youth on their own are often forced to be on the street after curfew for a simple reason: the street is their home. The limited availability of shelters and the unavailability of a safe or affordable legal residence often make a public place the only option for unaccompanied

youth. Curfew laws essentially criminalize these young people's existence.

Fast Facts

- ◆ 47 jurisdictions explicitly allow police to take runaway youth into custody.
- ◆ 10 jurisdictions classify running away from home as a status offense.
- ◆ 1 jurisdiction classifies runaway youth as delinquent.
- ◆ 6 jurisdictions explicitly allow runaway youth to be detained in secure facilities.
- ◆ 1 jurisdiction does not address runaway youth in its statutes.
- ◆ 6 jurisdictions classify truancy as a status offense.
- ◆ 3 jurisdictions classify truants as delinquent.
- ◆ 30 jurisdictions authorize curfews.
- ◆ 11 jurisdictions specifically authorize curfews for youth as old as 17 years.

Running Away

Purpose and Findings

We sought to determine how many jurisdictions included running away from home as a status offense and the legal consequences of running away across the country.

Ten jurisdictions classify runaway youth as status offenders: Georgia, Idaho, Kentucky, Nebraska, South Carolina, Texas, Utah, West Virginia, Wyoming and Guam. The Northern Mariana Islands places youth who have run away from home in the same category with delinquents. Six jurisdictions explicitly permit runaway youth to be held in secure detention facilities: Alabama, Georgia, Indiana, Nevada, South Carolina and Northern Mariana Islands. Additional jurisdictions may allow this practice. Delaware does not address runaway youth.

Almost all jurisdictions permit law enforcement officials to take runaway youth into custody without a court order and without the youth's permission. Almost all jurisdictions also offer services to runaway youth and their families, including for example, counseling, family mediation and alternative placements. These services follow the classification of the

¹ MacLean, Michael G., Embry, Lara E. & Cauce, Ana Mari (1999). Homeless Adolescents' Paths to Separation from Family: Comparison of Family Characteristics, Psychological Adjustment, and Victimization. *Journal of Community Psychology*, 27(2), 179-187.

² Note 1, *supra*; Pierre, Robert E. (August 27, 2002). Homeless Youths: A Study's Portrait of a Perilous Life. *Washington Post*, A03.

runaway youth as a Child in Need of Supervision (CHINS) or similar classifications. (The YINS chapter of this publication describes the consequences of being considered a CHINS. In most cases, CHINS are offered a range of supportive services, although punitive sanctions are also authorized.) Thirty-six jurisdictions explicitly authorize police to return runaway youth directly to their homes without considering the youth's wishes.

Analysis

The eleven jurisdictions that classify runaway youth as status offenders or delinquents have made a policy decision to assign responsibility for these youth to the juvenile justice system, rather than the child welfare system. Symbolically, these jurisdictions view running away from home as criminal, rather than as an indicator of abuse, neglect or severe family dysfunction. Such a view is inappropriate and harmful to the young person.

Almost all jurisdictions permit law enforcement officials to take runaway youth into custody without a court order and without the youth's permission. In some cases, this law enforcement intervention may be helpful in removing youth from dangerous situations. However, these policies again treat youth on their own as criminals, can cause suspicion and hostility between young people and law enforcement and can dissuade youth from seeking out available services. Further, for the many young people who flee abusive homes, the policy of returning runaway youth directly to their homes without considering the youth's wishes could be dangerous or even fatal.

The state must assume a significant role in providing services and support to runaway youth and their families. However, if these services are provided within a framework that views the youth as blameworthy, they will be of limited efficacy. Jurisdictions should offer a full complement of services, including parenting training, family counseling, anger management and addiction and mental health services. The jurisdictions must also provide safe, independent living options for young people who cannot remain at home.

Noteworthy Statutes

The approach of Connecticut's statute displays a concern for the safety, as well as the rights, needs and dignity, of young people. Connecticut law does not classify running away from home as a status offense. Rather, running away is an independent legal category with consequences specific to runaway youth only. The law permits police to transport runaway youth between ages 16 and 18 to public or private facilities, only with

the youths' consent. By explicitly requiring law enforcement to comply with a young person's wishes, the statute recognizes the complex circumstances of runaway youth and the young person's own sense of his or her best interest. Police are expressly forbidden to bring such young people to jails or detention facilities, thereby separating runaway youth from individuals who have been accused of violating the law. Connecticut's statute also explicitly requires that transportation to a public or private facility be solely for the purpose of the youth's safety. See Conn. Gen. Stat. § 17a-185 (2001).

Illinois and Oregon also explicitly require the youth's consent before the youth can be returned home or sent to a shelter. Illinois law also makes interim crisis intervention services available for runaway youth in order to prevent their involvement in juvenile court proceedings. See 705 ILCS 405/3-5 (2001).

Recommendations

- ◆ De-classify running away as a crime.
- ◆ Classify runaway youth so as to assign responsibility for their care and support to the child welfare system, rather than the juvenile justice system.
- ◆ Prohibit housing runaway youth in secure detention facilities.
- ◆ Confer with the youth prior to alerting guardians of the youth's location.
- ◆ Authorize law enforcement to transport runaway youth to safe places only with the youth's permission.
- ◆ Establish a social services system that provides runaway youth with intensive support services based on the individual's needs and desires, including health services, job training, supported living programs, education, life skills training and counseling.
- ◆ Provide services to prevent family dysfunction that causes youth to run away, including family mediation, crisis intervention teams, family counseling, parental substance abuse programs, parenting classes and anger management programs.
- ◆ Educate law enforcement officers and social services providers about the needs and circumstances of runaway youth.

Truancy

Purpose and Findings

Six jurisdictions classify truant youth as status offenders: Georgia, Idaho, Nebraska, South Carolina, Texas and West Virginia. In addition, Indiana, New Jersey and the Northern Mariana Islands consider truant young people to be

delinquents. New York calls truant students "School Delinquents," but the term does not carry the consequences of delinquency. Some jurisdictions use unusual terms to describe truant students: Arizona refers to truant students as "incorrigible"; Georgia, Ohio and Tennessee use the term "unruly"; and Michigan uses the term "Juvenile Disorderly Person."

The ages at which education is required differ among jurisdictions. Compulsory education begins between ages five and eight and extends until ages 16 to 18. Most jurisdictions (32) excuse students from school attendance when they turn 16 years old. Seven jurisdictions extend compulsory education to age 17. Seventeen jurisdictions require school attendance until age 18.

Truancy is defined as a number of unexcused absences. Those jurisdictions that define the number of absences required to find a student truant vary in their approach. For example, Arizona, Delaware, Minnesota and Guam consider a student with three unexcused absences in a school year to be truant. Other jurisdictions consider students to be truant if they are absent without an excuse for five (California, Tennessee, Wisconsin and Wyoming), eight (Utah), ten (Colorado, Connecticut, Maine and North Carolina) or twelve (Ohio) days in a school year. Montana law permits ten unexcused absences in a semester before a student will be considered truant.

Analysis

The nine jurisdictions that classify truant youth as status offenders or delinquents have made a policy decision to assign responsibility for these youth to the juvenile justice system. While it is important that jurisdictions take steps to ensure that every young person receives an education, this effort should not result in proceedings that punish youth. Missing school is fundamentally different than violating a criminal law. At a minimum, truancy laws should recognize that unaccompanied youth often are forced to miss school by the rigors of caring for themselves, including working and searching for shelter and food.

Further, many truancy statutes provide penalties such as fines, community service or revocation of driving privileges. For most unaccompanied youth, these sanctions would be onerous and could actually result in further missed schooling and loss of employment. Rather than such counterproductive punishments, reforms to public education, including efforts to engage younger students in elementary school and offering flexible, challenging high school programs, would likely be the most effective means to reduce truancy.³

Noteworthy Statutes

Elements of Florida's truancy statute provide youth with appropriate interventions designed to increase school attendance. As compulsory school attendance in Florida ends at age 16, youth age 17 and older are not subject to the law at all. For youth age 16 and younger, the law requires the school system to undertake significant efforts to make school attendance viable for the youth. For example, the law requires schools to give truant students opportunities to make up assigned work prior to imposing academic penalties. If a student is repeatedly truant, a child study team must review the situation, meet with the student and parents, and implement interventions to support the youth and family, including adjusting the learning environment, providing a mentor, peer counseling, and peer or adult tutoring, evaluations for alternative programs, and referrals for family services. Truant students can only be reported to the school superintendent after all reasonable efforts to resolve the nonattendance are exhausted. At that point, the young person is not considered a status offender or delinquent, but a child in need of supervision. This designation permits additional services to be provided to the youth and family (see YINS chapter of this publication.) Fla. Stat. 232.17 (2001).

Recommendations

- ◆ De-classify truancy as a status offense.
- ◆ Assign responsibility for truant youth to the education system, rather than the juvenile justice system.
- ◆ Provide flexibility in school programs for unaccompanied youth, including flexible school hours and credit and attendance policies.
- ◆ Award academic credit for employment experiences.
- ◆ Establish intensive interventions in schools to prevent and end truancy.
- ◆ Do not sanction youth for truancy; rather, offer positive alternatives and services to enable youth to earn academic credits.
- ◆ Educate school personnel, including teachers, administrators and attendance officers, about the needs and circumstances of unaccompanied youth.

3 See, for example, Black, Susan (December 2002). Keeping Kids in School: Who can play the biggest role in preventing dropouts? Hint: It's not the students. *American School Board Journal*, www.asbj.com/current/research.html

Curfews

Purpose and Findings

Thirty jurisdictions explicitly authorize curfews. However, curfews are commonly enacted by local governments, including cities and counties. Therefore, localities in all the jurisdictions may have their own curfew ordinances, and many do. Nonetheless, it is significant that a majority of jurisdictions authorize curfews at the state level. These policies implicitly encourage curfew laws.

Eleven jurisdictions specifically authorize curfews for youth as old as 17 years: Alabama, Florida, Maryland, Minnesota, New Jersey, North Carolina, Oregon, Tennessee, Virginia, West Virginia and District of Columbia. Illinois, Indiana, Texas and Guam authorize curfews for youth as old as 16 years. Several jurisdictions provide specific hours for curfews. Some of the more restrictive statutes include: New Hampshire and Rhode Island, which authorize curfews after 9:00 p.m.; the Virgin Islands, which authorize curfews after 10:00 p.m.; New Jersey, Tennessee and Virginia, which authorize curfews between 10:00 p.m. and 6:00 a.m.; Guam, which authorizes curfews between 10:00 p.m. and 5:00 a.m.; and Hawaii, which authorizes curfews between 10:00 p.m. and 4:00 a.m..

Analysis

Although many curfew laws contain exceptions for certain activities, such as employment, education, religious activities or errands directed by a parent, these laws restrict the mobility of young people and criminalize normal, and often necessary, behavior. Youth who are on their own and are forced to be on the street after curfew because it is their only living option may find themselves in contact with the juvenile justice system because of a curfew law. This outcome is harmful, unfair and unnecessary. Unaccompanied youth must concentrate on daily survival activities, including employment, school and finding shelter and food. To burden them further with curfew laws and the consequent threat of juvenile court involvement is inappropriate.

More generally, there is much debate as to whether curfew laws keep young people safe or prevent crime. The National Council on Crime and Delinquency, the Justice Policy Institute and the Los Angeles Police Department have found curfews to be ineffective on both counts and to involve youth in the juvenile justice system unnecessarily.

Recommendations

- ◆ Eliminate curfews.
- ◆ Provide sufficient safe, emergency shelter and supported

independent living programs so that unaccompanied youth do not have to live in public places in violation of curfew laws.

Research Methodology and Limitations

To compile statutes defining status offenses with particular regard to runaway youth, truancy and curfews, our search used the following terms: Status Offense, Truancy, Compulsory School Attendance, Truant, Habitual, Absent, School, Runaway, Runs away, Absconds, Absent, Absent from Home, Curfew and Juvenile.

It is important to note that there are justifications, other than being a suspected runaway, for law enforcement to be able to take a runaway youth into custody. These reasons include, but are not limited to, offenses such as truancy, smoking in public, loitering and removing the youth from a potentially dangerous situation.

This compendium discusses the potential orders a court may apply to a runaway youth. We tried to capture the most relevant court orders mentioned in the statutes, but the courts are likely free to prescribe orders not included in the summaries.

It is also important to note that often a petition must be filed before a runaway youth becomes involved in a court proceeding and therefore subject to court orders. Petitions concerning runaway youth can be filed by a number of individuals, including guardians, police officers, intake officers, and judges. Thus, if a petition is not filed concerning a runaway youth after being taken into custody, the youth will not automatically be involved in court proceedings. This compendium does not attempt to summarize who may file such a petition.

We did not summarize certain aspects of statutes regarding runaway youth, including the full array of consequences of running away from home. The chapter on YINS contains additional information on this topic.

Regarding truancy, the jurisdiction summaries highlight those aspects of each jurisdiction's school attendance laws most relevant to runaway and homeless youth. This includes definitions and classifications of truant youth, the compulsory school age in each jurisdiction, the ability of school officials and police officers to take truant youth into custody and jurisdictions' general approaches to monitoring school attendance. The summaries do not include descriptions of guardian involvement in school attendance (as guardian involvement with unaccompanied youth is low to nonexistent). Often, the jurisdictions focus their attendance requirements on the youth's guardian, making it the guardian's responsibility to ensure that a youth attends school. Noncompliance with these provisions may result in criminal charges for a youth's guardian.

The summaries also do not include all the exceptions to compulsory attendance, such as home school, developmental problems and graduation from high school. However, we did note employment exceptions in those jurisdictions which have them, as these are important to unaccompanied youth. We did not summarize certain aspects of truancy statutes, including the full array of consequences of repeated truancy from school.

Regarding curfews, the following list compiles citations to each jurisdiction's juvenile curfew statutes. Our research findings are presented in the chart included in this section. The chart focuses on whether or not each jurisdiction addresses juvenile curfews expressly, lists the ages to which a jurisdiction's curfew applies and lists the times that the curfew is in effect.

Notice that in some jurisdictions, juvenile curfews are addressed explicitly but specific age limits and times are not provided. In most cases, these jurisdictions expressly give local governments the power to create curfews. If a jurisdiction does not directly address a juvenile curfew in its statutes, a local government may still have the power to pass an ordinance prescribing a curfew. Also, even when jurisdictions have specified age limits and times, local ordinances may be free to impose more expansive curfew measures.

We did not summarize certain aspects of juvenile curfew laws. For instance, some jurisdictions specify the penalty for violating curfew. Others list the instances when a youth is exempt from curfew requirements. ♦

Status Offenses

		RUNAWAYS			TRUANCY			CURFEWS	
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Does the state have an explicit juvenile curfew statute?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply?
Alabama	No	Yes	##	7-16 yr. Old	Yes	CHINS	No	NA	NA
Alaska	No	Yes	CINA	7-16 yr. Old	##	##	Yes	Not Provided	Under 18 yr. Old
Arizona	No	Yes	Incorrigible	6-16 yr. Old	Yes	Incorrigible/ Habitual Truant	Yes	Not Provided	Not Provided
Arkansas	No	##	FINS	5-17 yr. Old	Yes	FINS	No	NA	NA
California	No	Yes	Ward of the Court	6-18 yr. Old	Yes	Habitual Truant/ Ward of the Court	No	NA	NA
Colorado	No	Yes	Neglected or Dependent Child	7-16 yr. Old	##	Habitual Truant	Yes	Not Provided	Not Provided
Connecticut	No	Yes, with written consent of youth	Runaway	5-16 yr. Old	##	FINS, Habitual Truant	No	NA	NA
Delaware	##	##	##	5-16 yr. Old	Yes	Truant	No	NA	NA
Florida	No	Yes	CHINS	6-16 yr. Old	Yes	CHINS, Habitual Truant	Yes	11 pm- 5 am Sun pm to Fri. am, Midnight to 6 am Sat-Sun	Under 18 yr. Old
Georgia	Yes	Yes	Unruly, Status Offender	6-16 yr. Old	Yes	Unruly, Status Offender	Yes	Not Provided	Not Provided
Hawaii	No	Yes	##	6-18 yr. Old	Yes	##	Yes	10 pm-4 am	Under 16 yr. Old
Idaho	Yes	Yes	Status offender	7-16 yr. Old	Yes	Habitual Truant, Status Offender	Yes	NA	NA
Illinois	No	Yes	Minor Requiring Authoritative Intervention	7-16 yr. Old	Yes	Truant Minor in Need of Supervision, Chronic Truant	Yes	11 pm- 6 am Sun. pm-Fri. am, Midnight-6 am, Sat.- Sun.	Under 17 yr. Old

Nothing explicit in Statutes

NA- Not Applicable

CHINS- Child in Need of Services or Supervision

FINS- Family in Need of Services

PINS-Person in Need of Supervision

CINA- Child in Need of Aid

Status Offenses

		RUNAWAYS			TRUANCY			CURFEWS	
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Does the state have an explicit juvenile curfew statute?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply?
Indiana	No	Yes	Delinquent	7-18 yr. Old	Yes	Delinquent	Yes	11 pm-5 am Sun. pm-Fri. am, 1 am-5 am Sat.-Sun.// 11 pm-5 am any day	15-17 yr. Old// Under 15 yr. Old
Iowa	No	Yes	Chronic Runaway	6-16 yr. Old	Yes	Truant	No	NA	NA
Kansas	No	Yes	Child in Need of Care	7-18 yr. Old	Yes	Child in Need of Care	No	NA	NA
Kentucky	Yes	Yes	Status Offender, Habitual Runaway	6-16 yr. Old	##	Truant, Habitual Truant	No	NA	NA
Louisiana	No	Yes	Runaway, FINS	7-18 yr. Old	Yes	FINS, Habitually Absent	No	NA	NA
Maine	No	Yes	Interim Care	7-17 yr. Old	##	Habitual Truant	No	NA	NA
Maryland	No	Yes	CHINS	5-16 yr. Old	##	CHINS	Yes	Midnight- 5 am	Under 18 yr. Old
Massachusetts	No	Yes	CHINS	6-16 yr. Old	Yes	CHINS	No	NA	NA
Michigan	No	Yes	##	6-16 yr. Old	##	Juvenile Disorderly Persons	Yes	Midnight- 6 am // 10 pm-6 am	Under 16 yr. Old// Under 12 yr. Old
Minnesota	No	Yes	CHINS	7-16 yr. Old	Yes	Continuing Truant	Yes	Not Provided	Under 18 yr. Old
Mississippi	No	Yes	CHINS	6-17 yr. Old	##	CHINS	No	NA	NA
Missouri	No	##	Child in need of care and treatment	7-16 yr. Old	##	Child in need of care and treatment	No	NA	NA
Montana	No	Yes, when a petition has been filed alleging that child is a YINI	Youth In Need of Intervention (YINI)	7-16 yr. Old	Yes	YINI, Habitually Absent	Yes	Not Provided	Not Provided
Nebraska	Yes	Yes	CHINS	7-16 yr. Old	##	Status Offender/ CHINS	No	NA	NA
Nevada	No	Yes	CHINS	7-17 yr. Old	Yes	CHINS	No	NA	NA

Nothing explicit in Statutes

NA- Not Applicable

CHINS- Child in Need of Services or Supervision

FINS- Family in Need of Services

PINS-Person in Need of Supervision

CINA- Child in Need of Aid

Status Offenses

New Hampshire	No	Yes	CHINS	6-16 yr. Old	Yes	CHINS	Yes	After 9 pm	Under 16 yr. Old
		RUNAWAYS			TRUANCY			CURFEWS	
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Does the state have an explicit juvenile curfew statute?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply?
New Jersey	No	Yes	Runaway Youth	6-16 yr. Old	Yes	Delinquent	Yes	10 pm-6 am	Under 18 yr. Old
New Mexico	No	##	FINS	5-18 yr. Old	##	FINS	No	NA	NA
New York	No	##	Destitute child	6-16 yr. Old	Yes	PINS, School Delinquent	No	NA	NA
North Carolina	No	Yes	Undisciplined	7-16 yr. Old	Yes	Undisciplined	Yes	Not Provided	Under 18 yr. Old
North Dakota	No	Yes	##	7-16 yr. Old	##	Unruly	No	NA	NA
Ohio	No	Yes	Runaway	6-18 yr. Old	##	Habitual Truant, Unruly	Yes	Not Provided	Not Provided
Oklahoma	No	Yes	CHINS	5-18 yr. Old	Yes	CHINS	Yes	Not Provided	Not Provided
Oregon	No	Yes	##	7-18 yr. Old	##	##	Yes	Midnight-4 am	Under 18 yr. Old
Pennsylvania	No	Yes	Dependant	8-17 yr. Old	Yes	Dependent	No	NA	NA
Rhode Island	No	Yes	Wayward	6-16 yr. Old	Yes	Wayward	Yes	After 9 pm	Under 16 yr. Old
South Carolina	Yes	##	Status Offender	5-17 yr. Old	##	Status Offender	No	NA	NA
South Dakota	No	Yes	CHINS	6-16 yr. Old	Yes	CHINS	No	NA	NA
Tennessee	No	Yes	Unruly	6-17 yr. Old	Yes	Unruly	Yes	11 pm-6 pm M-Thur., Midnight to 6 am, F-Sun.// 10 pm-6 pm M-Thur., 11 pm-6 am, F-Sun.	17-18 yr. Old// Under 16 yr. Old
Texas	Yes	Yes	Status Offender	6-18 yr. Old	Yes	Status Offender	Yes	Not Provided	Under 17 yr. Old
Utah	Yes	Yes	Status Offender	6-18 yr. Old	Yes	Habitual Truant	No		
Vermont	No	Yes	CHINS	6-16 yr. Old	Yes	CHINS	Yes	Not Provided	Under 16 yr. Old
Virginia	No	Yes	CHINS	5-18 yr. Old	Yes	CHINS	Yes	10 pm-6 am	Under 18 yr. Old

Nothing explicit in Statutes

NA- Not Applicable

CHINS- Child in Need of Services or Supervision

FINS- Family in Need of Services

PINS-Person in Need of Supervision

CINA- Child in Need of Aid

Status Offenses

Washington	No	Yes	At Risk Youth	8-18 yr. Old	Yes	Truant	Yes	Not Provided	Not Provided
		RUNAWAYS			TRUANCY			CURFEWS	
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant C42by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Does the state have an explicit juvenile curfew statute?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply?
West Virginia	Yes	Yes	Status Offender	6-16 yr. Old	Yes	Status Offender	Yes	Not Provided	Under 18 yr. Old
Wisconsin	No	Yes	Juvenile in Need of Protection or Services	6-18 yr. Old	Yes	Habitual Truant	No	NA	NA
Wyoming	Yes	Yes	CHINS	7-16 yr. Old	##	Habitual Truant, CHINS	No	NA	NA
TERRITORIES									
American Samoa	No	Yes	CHINS	6-18 yr. Old	##	CHINS	No	NA	NA
District of Columbia	No	Yes	##	5-18 yr. Old	Yes	CHINS	Yes	11 pm - 6 am Sun. pm to Fri. am, Midnight to 6 am Sat., Sun. and during July and August	Under 18 yr. Old
Guam	Yes	##	At Risk Youth/ Status Offenders	5-16 yr. old	Yes	Habitual Truant	Yes	10 pm-5 am	Under 17 yr. Old
Northern Mariana Islands	No	Yes	Delinquent	6-16 yr. Old	Yes	Delinquent	Yes	Not Provided	Not Provided
Puerto Rico	No	##	##	5-18 yr. Old	##	##	No	NA	NA
Virgin Islands	No	Yes	PINS	5-16 yr. Old	Yes	PINS	Yes	After 10 pm	Under 16 yr. Old

Nothing explicit in Statutes

NA- Not Applicable

CHINS- Child in Need of Services or Supervision

FINS- Family in Need of Services

PINS-Person in Need of Supervision

CINA- Child in Need of Aid

STATUS OFFENSES—RUNNING AWAY

Alabama

Runaway youth may be taken into custody without a warrant by a police officer. As soon as reasonably possible, the police officer must return the youth to the custody of the youth's guardian, unless the youth's placement in detention or shelter care appears required. If the police officer chooses to take the runaway youth to a detention or shelter care facility, the youth will be reviewed at intake to determine if the youth should be placed in detention or shelter care as a dependent or delinquent youth or a child in need of supervision. However, the Code of Alabama does not directly address proceeding concerning runaway youth. Code of Ala. §§ 12-15-58, 12-15-59 (2001).

Alaska

Runaway youth may be taken into custody without a warrant by a police officer. The police officer must return the youth to the custody of the youth's guardian or bring the youth to a runaway shelter or other location under the supervision of the Department of Health and Social Services. Alaska Stat. § 47.10.141 (2001). A court may declare the runaway youth a child in need of aid if the youth is habitually absent from home and is in need of services. Alaska Stat. § 47.10.011 (2001). A child in need of aid may be released into the custody of the child's guardian under the supervision of the Department of Health and Social Services and ordered to participate in treatment. A court may also order the custody of the child to be transferred to the Department of Health and Social Services. Alaska Stat. § 47.10.080 (2001). Alaska also offers runaway programs and runaway shelters to address the needs of runaway youth. Alaska Stat. § 47.10.300 et seq. (2001).

Arizona

Runaway youth may be taken into custody without a warrant by a police officer. The police officer must return the youth to the custody of the youth's guardian or transfer custody of the youth to the juvenile court. A.R.S. § 8-303 (2001). A runaway may be declared an incorrigible child by the juvenile court. A.R.S. § 8-201 (2001). An incorrigible child may be subject to treatment, counseling, special education, special supervision, and protection. A.R.S. § 8-234 (2001). The custody of an incorrigible child may be placed with the child's guardian, with a relative, with an appropriate unrelated adult, or with a public or private childcare agency. A.R.S. § 8-341 (2001).

Arkansas

A youth may be taken into custody without a warrant if it is clear that the youth is in danger and taking custody of the youth is necessary to prevent serious harm. A.C.A. § 9-27-313 (2001). A police officer may find it reasonable to take a runaway youth into custody using these guidelines. The police officer must return the youth to the custody of the youth's guardian or transfer custody to the juvenile court. A.C.A. § 9-27-313 (2001). The family of a runaway youth may be declared a family in need of services. A.C.A. § 9-27-303 (2001). A family in need of services may be subject to family services, parental training, supervision of the youth, or transfer of the custody of the youth to Department of Human Services. A.C.A. § 9-27-332 (2001).

California

A youth may be taken into custody without a warrant if it appears that the youth is beyond the control of the youth's guardian or refuses to obey the reasonable orders or directions of the guardian. Cal Wel & Inst Code § 625 (2001). A police officer may find it reasonable to take a runaway youth into custody using these guidelines. These same guidelines apply when the juvenile court declares a youth a ward of the court. Cal Wel & Inst Code § 602 (2001). Once the court declares a youth a ward, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. Cal Wel & Inst Code § 727 (2001).

Colorado

A runaway youth may be taken into custody without a warrant by a police officer. C.R.S. 19-3-401 (2001). The youth may be declared a dependent child by the court. C.R.S. 19-3-102 (2001). After a youth is declared a dependent child, the youth may be returned to the custody of the youth's guardian or placed in an appropriate living situation under the guidance of the county department of social services. C.R.S. 19-3-508 (2001). A dependent child may be placed in the home of the child's guardian or in the home of a relative, with or without court supervision. A dependent child may also be placed in the custody of a child care facility or the Department of Social Services. The child may also be ordered to undergo treatment. The court shall approve a treatment plan catered to the needs of the dependent child. C.R.S. 19-3-508 (2001).

Connecticut

A runaway youth may be taken into custody by a police officer with sole written consent of the youth. The police officer must transport the youth to a public or private facility that offers services to runaway youth. The facility shall inform the youth's guardian of the youth's presence at the facility within 12 hours, if practicable. Conn. Gen. Stat. § 17a-185 (2001). A family with a youth that has run away without just cause may be declared a family with service needs. Conn. Gen. Stat. § 46b-120 (2001).

Delaware

The Delaware Code does not directly address runaway youth.

Florida

A runaway youth may be taken into custody without a warrant by a police officer. The officer may release the youth into the custody of the youth's guardian or to the Department of Juvenile Justice for assessment and services such as family mediation and counseling. Fla. Stat. § 984.13 (2001). The youth may be declared a child in need of services if the youth persistently runs away and reasonable efforts to prevent the youth from running away, such as services and treatment, have not succeeded. Fla. Stat. § 984.03 (2001). A child in need of services may be ordered to undergo treatment and counseling, may be placed in a childcare facility, and may be assigned to an agency that has a contract with the state to provide services. Fla. Stat. § 984.22 (2001).

Georgia

A runaway youth may be taken into custody without a warrant by a police officer. O.C.G.A. § 15-11-45 (2001). The officer shall release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court for assessment. O.C.G.A. § 15-11-47 (2001). If this is the first time the youth has run away from home, then any proceedings involving the youth will be dismissed at the request of the youth's guardian. O.C.G.A. § 15-11-64 (2001). The juvenile court may declare the youth an unruly child. The court may also declare the youth a status offender. O.C.G.A. § 15-11-2 (2001). Once the court has declared a youth an unruly child, the court may release the youth into the custody of the youth's guardian, order the commitment of the youth to the Department of Juvenile Justice, and order the youth to undergo counseling and other treatment. O.C.G.A. §§ 15-11-67, 15-11-68 (2001).

Hawaii

A runaway youth may be taken into custody without a warrant by a police officer. The officer shall release the youth into the custody of the youth's guardian or deliver the youth to family court or an appropriate agency for assessment. HRS § 571-31 (2001). The court may order the placement of the youth in a shelter care facility or may order informal treatment and counseling. HRS § 571-31.5, 571-32 (2001). A runaway youth may be considered a youth at risk or a youth in need of services by the Office of Youth Services because of the youth's contact with police and the youth's potential social, emotional, and psychological problems and may be referred to a youth service center. HRS § 352D-3 (2001).

Idaho

A runaway youth may be taken into custody without a warrant by a police officer or by a private citizen until the youth can be delivered into the custody of a police officer. The police officer shall then transfer custody to the youth's guardian or deliver the youth to a juvenile shelter care facility or community-based diversion program to await a hearing. Idaho Code § 20-516 (2001). A hearing may be avoided if the youth is referred to a community-based diversion program for services and treatment or informally supervised by the probation department. Idaho Code § 20-511 (2002). A runaway can be declared a status offender by the court. If a youth commits three status offenses (running away, truancy, curfew violations) in one year, the court may declare the youth a habitual status offender. Idaho Code § 20-521 (2001). Habitual status offenders may be placed on probation or placed in a juvenile shelter care facility. Idaho Code § 20-520 (2001).

Illinois

A runaway youth may be taken into custody without a warrant by a police officer. 705 ILCS 405/3-7 (2001). The police officer shall then make reasonable efforts to contact the youth's guardian and, with the youth's consent, transport the youth to a shelter care facility or release the youth into the custody of the youth's guardian. 705 ILCS 405/3-4 (2001). The Juvenile Court may declare the youth a minor requiring authoritative intervention. 705 ILCS 405/3-3 (2001). If declared a minor in need of authoritative intervention, the court may release the youth into the custody of the youth's guardian, commit the youth to the Department of Children and Family Services, or, in certain situations, order the youth partially or completely emancipated. 705 ILCS 405/3-24 (2001). Interim crisis intervention services are also available

for runaway youth in order to prevent their involvement in Juvenile Court proceedings. 705 ILCS 405/3-5 (2001).

Indiana

A runaway youth may be taken into custody by a police officer, or probation officer or caseworker when a police officer is not available and the youth is in immediate danger and an order from the court cannot be readily obtained. Burns Ind. Code Ann. § 31-34-2-3, 31-37-4-2 (2002). If a youth is taken into custody without an order of the court, the person taking the youth into custody may release the youth or deliver the youth to a place designated by the juvenile court and shall promptly notify the youth's guardian and an intake officer. Burns Ind. Code Ann. § 31-34-4-4 (2002). The juvenile court may declare a runaway youth a delinquent child. Ind. Code Ann. § 31-37-2-2 (2002). The juvenile court may order supervision of the delinquent child by the probation department or the county office of family and children, order the delinquent child to receive outpatient treatment, remove the delinquent child from the child's home and place the child in another home or shelter care facility, award wardship to a person or shelter care facility, partially or completely emancipate the delinquent child, or order the delinquent child or the child's guardian to receive family services. Burns Ind. Code Ann. § 31-37-19-1 (2002). Informal proceedings are available to avoid juvenile court proceedings. Burns Ind. Code Ann. § 31-37-9-1 (2002).

Iowa

A runaway youth may be taken into custody without a warrant by a police officer. The police officer may take the youth into custody with the purpose of determining whether the youth should be reunited with the youth's guardian, placed in shelter care, or placed in a runaway placement center where available. Iowa Code § 232.19 (2002). Iowa offers its counties the opportunity to develop a runaway treatment plan to address the problem of chronic runaways. The runaway treatment plan must include the establishment of a runaway assessment center. Iowa Code § 232.195 (2002). A youth will be considered a chronic runaway if the youth runs away more than once in a thirty-day period or more than twice in a year. Iowa Code § 232.2 (2002).

Kansas

A runaway youth may be taken into custody without a warrant by a police officer. K.S.A. § 38-1527 (2001). The police officer shall deliver the youth to the custody of the youth's

guardian, or if in the best interest of the youth, deliver the youth to a facility or person designated by the secretary or to a court designated shelter facility, court services officer, juvenile intake and assessment worker, or a licensed attendant care center for assessment. K.S.A. § 38-1528 (2001). The youth may be declared a child in need of care by the Juvenile Court. K.S.A. § 38-1502 (2001). After being declared a child in need of care, the youth may be ordered back into the custody of the youth's guardian, placed in the custody of a relative, a shelter, foster home or other suitable placement, or ordered to undergo treatment or counseling. K.S.A. § 38-1563 (2001).

Kentucky

A runaway youth may be taken into custody without a warrant by a police officer. KRS § 630.030 (2001). The police officer shall then contact a court-designated worker who shall determine the appropriate placement for the youth. The youth may be released into the custody of the youth's guardian, or placed in an emergency shelter or other appropriate facility. If the youth is not released to the youth's guardian, the police officer shall also file a complaint with the juvenile session of the District Court explaining why the youth was taken into custody and not released into the custody of the youth's guardian. KRS § 630.040 (2001). If a youth runs away more than three times in a one-year period, the youth will be considered a habitual runaway. Running away may also be classified as a status offense. KRS § 600.020 (2001). The court may order a youth classified as a status offender into nonsecure custody or order treatment or services. KRS § 630.120 (2001).

Louisiana

A runaway youth may be taken into custody without a warrant by a police officer if the police officer has reason to believe that the child's family is in need of service. La. Ch.C. Art. 736 (2002). A family in need of services is, among other things, a family with a youth who has run away from home. La. Ch.C. Art. 730 (2002). Once a youth is taken into custody, the police officer must release the child into the custody of the youth's guardian or deliver the youth to an intake officer for assessment. La. Ch.C. Art. 738 (2002). The court may declare a runaway youth's family as a family in need services. A family in need of services may be ordered to undergo treatment or counseling or the youth may be placed in a child care facility. La. Ch.C. Art. 779 (2002). Alternatively, a family may be involved in an informal family service plan in order to avoid formal court orders regarding the family and the runaway youth. La. Ch.C. Art. 744 (2002).

Maine

A runaway youth may be taken into interim care without a warrant by a police officer. The youth may not be involuntarily held for longer than six hours. The officer must then contact the Department of Human Services, which will designate a place where the youth shall be placed. Either the Department of Human Services or the police officer must contact the youth's guardian as soon as possible. The Department of Human Services shall inform the youth and the youth's guardian of social services available to them and encourage them to take advantage of the services. 15 M.R.S. §3501 (2001).

Maryland

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then either release the youth into the custody of the youth's guardian or deliver the child to shelter care. Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-14 (2001). While the Maryland Code Annotated does not directly address proceedings concerning runaway youth, a runaway youth may be declared a child in need of supervision if it is found that the youth is either beyond the reasonable control of the youth's guardian or is endangering the youth's own safety. Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-01 (2001). A child in need of supervision may be subject to probation or rehabilitative services, or may be placed in the custody of the Department of Juvenile Justice or a public or private childcare agency. Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-19 (2001).

Massachusetts

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then release the youth into the custody of the youth's guardian or deliver the youth to a temporary shelter facility. Mass. Ann. Laws ch. 119, § 39H (2002). A runaway youth may be declared a child in need of services by the juvenile court. A child in need of services may be ordered to undergo social services, may be placed with the youth's guardian, a relative, a probation officer, or a private agency, or may be committed to the Department of Social Services. Mass. Ann. Laws ch. 119, § 39G (2002).

Michigan

A youth whose surroundings are such as to endanger his or her health, morals, or welfare may be taken into custody

without a warrant by a police officer. A runaway youth may qualify as such a youth and be taken into custody. The police officer shall then either release the youth into the custody of the youth's guardian or bring the youth in front of the appropriate probate court for proceedings. MCLS § 712A.14 (2002). The court has the power to make a variety of orders concerning a runaway youth, including placement decisions and orders for treatment and services. MCLS § 712A.18 (2002).

Minnesota

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then notify the youth's guardian that the youth has been taken into custody. Minn. Stat. § 260C.175 (2001). The officer may then release the child into the custody of the youth's guardian or deliver the child to an appropriate child care facility. Minn. Stat. § 260C.176 (2001). A runaway youth may be declared a child in need of services by the juvenile court. Minn. Stat. § 260C.007 (2001). The court may order the youth to undergo counseling or treatment, may subject the youth to supervision by a probation officer, or transfer the custody of the youth to a responsible adult or child care facility. Minn. Stat. § 260C.201 (2001).

Mississippi

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then either release the child into the custody of the child's guardian or bring the youth before the Youth Court. Miss. Code Ann. § 43-21-303 (2001). A runaway may be declared a child in need of supervision by the court. Miss. Code Ann. § 43-21-105 (2001). A child in need of supervision may be released to the child's guardian, released under the supervision of Youth Court, ordered to undergo treatment or counseling, or placed in a public or private childcare facility. Miss. Code Ann. § 43-21-607 (2001). An informal conference is available where a service plan will be established for the youth in order to avoid formal court procedures. Miss. Code Ann. § 43-21-405 (2001).

Missouri

A youth whose behavior, environment or associations are injurious to his welfare or who is without proper care, custody or support may be taken into custody by a police officer. § 211.131 R.S.Mo. (2001). A runaway youth may qualify as such a youth and be taken into custody. The juvenile court (in certain counties, the family court) may declare a runaway youth a child in need of care and treatment. § 211.031 R.S.Mo.

(2001). A child in need of care and treatment may be placed in the custody of the child's guardian while under the supervision of the juvenile court, may be placed with a childcare agency, or ordered to undergo treatment or counseling. § 211.181 R.S.Mo. (2001).

Montana

A runaway youth may be taken into custody by a police officer if a petition has been filed alleging that the youth is a youth in need of intervention. Mont. Code Anno., § 41-5-321 (2001). The police officer shall then either release the youth into the custody of a responsible person who promises that the youth will appear for all court proceedings or deliver the youth to a temporary shelter facility. Mont. Code Anno., § 41-5-322 (2001). The court may declare a runaway youth a youth in need of intervention. Mont. Code Anno., § 41-5-103 (2001). A youth in need of intervention shall be placed in a residence that ensures that the youth is accountable, that provides for rehabilitation, and that protects the public. A youth in need of intervention also may be placed on probation, or ordered to undergo treatment or counseling. Mont. Code Anno., § 41-5-1512 (2001). Informal proceedings are available as well, in order to avoid formal court proceedings. Mont. Code Anno., § 41-5-1301 (2001).

Nebraska

A runaway youth may be taken into custody without a warrant by a police officer. R.R.S. Neb. § 43-248 (2002). The police officer must notify the guardian of the youth and either release the youth into the custody of the youth's guardian or deliver the youth to a probation officer for assessment and placement in an appropriate facility. R.R.S. Neb. § 43-250 (2002). A runaway youth may be considered a status offender. R.R.S. Neb. § 43-245 (2002). A runaway youth also may be considered a child in need of special supervision. R.R.S. Neb. § 28-709 (2002). The court may order a child in need of supervision to remain in the child's home subject to supervision, or may make an order committing the child to the care of some suitable institution, the care of some reputable citizen of good moral character, the care of a suitable family, or the care and custody of the Department of Health and Human Services. R.R.S. Neb. § 43-284 (2002).

Nevada

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then notify the youth's guardian and either release the youth into the cus-

tody of the youth's guardian or deliver the youth to the Juvenile Court or a temporary place of detention. Nev. Rev. Stat. Ann. § 62.170 (2001). The Juvenile Court may declare the youth a child in need of supervision. Nev. Rev. Stat. Ann. § 62.040 (2001). If this is the youth's first proceeding concerning the youth's need for supervision, the court shall admonish the youth to obey the law and to refrain from running away again, and maintain a record of the admonition. The court shall also refer the youth, without formal proceedings, to services available in the community for counseling, behavioral modification, and social adjustment. Nev. Rev. Stat. Ann. § 62.212 (2001). If this is not the first proceeding concerning the youth's need for supervision, the court may place the youth in the custody of the youth's guardian under the supervision of the court, place the youth in a private or public childcare facility, or order the youth to undergo treatment or counseling. Nev. Rev. Stat. Ann. § 62.211 (2001).

New Hampshire

A runaway youth may be taken into custody without a warrant by a police officer. RSA 169-D:8 (2002). The police officer must then release the youth onto the custody of the youth's guardian or deliver the youth to the court where the youth will be placed with the youth's guardian or relative or placed in a temporary shelter facility. RSA 169-D:10 (2002). The court may declare the runaway youth a child in need of services. RSA 169-D:2 (2002). The court may order a child in need of services to undergo services, to participate in programs, or to be placed in an appropriate facility. RSA 169-D:17-c (2002). Alternatively, the youth may be placed in a diversion program that offers services and other alternatives to formal court proceedings. RSA 169-D:9 (2002).

New Jersey

A runaway youth may be taken into custody without a warrant by a police officer. N.J. Stat. § 2A:4A-31 (2002). The police officer shall release the youth from custody of within six hours. The police officer may transport the youth to the home of the youth's guardian or another responsible adult and inform the youth of available services. N.J. Stat. § 2A:4A-32 (2002). Diversion services and juvenile-family crisis services may be available to runaway youth. N.J. Stat. § 2A:4A-70 et seq. (2002).

New Mexico

The New Mexico Statutes do not directly address taking a runaway into custody. A runaway youth may be declared the

child of a family in need of services. N.M. Stat. Ann. § 32A-3A-2 (2001). Families in need of services are offered services that are administered in compliance with a family needs assessment. N.M. Stat. Ann. § 32A-3A-5 (2001). The Family Court may also formally order the family to undergo services and treatment. N.M. Stat. Ann. § 32A-3B-15 (2001).

New York

The New York Statutes do not directly address taking a runaway into custody or formal court proceeding related to runaway youth. Social Services may classify a runaway youth as a destitute child and provide the youth with services if proper care is not available at home. NY CLS Soc Serv §§ 371, 398 (2002).

North Carolina

A runaway youth may be taken into custody without a warrant by a police officer. N.C. Gen. Stat. § 7B-1900 (2001). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or deliver the youth to a juvenile court counselor for assessment. The youth may not be held in custody for more than 12 hours, or 24 hours if youth is taken into custody during the weekend. N.C. Gen. Stat. § 7B-1901 (2001). The Juvenile Court may declare a runaway youth an undisciplined juvenile. N.C. Gen. Stat. § 7B-1501 (2001). An undisciplined juvenile may be ordered to undergo evaluation and treatment concerning the juvenile's physical and mental health. N.C. Gen. Stat. § 7B-2502 (2001). The court may order an undisciplined juvenile to be placed, under the supervision of the court, with the juvenile's guardian, a relative, the Department of Social Services, or a private child-placing agency. The court may also place the juvenile under the protective supervision of a juvenile court counselor. N.C. Gen. Stat. § 7B-2503 (2001).

North Dakota

A runaway youth may be taken into custody without a warrant by a police officer. N.D. Cent. Code, § 27-20-13 (2002). The police officer shall then either release the youth into the custody of the youth's guardian or deliver the youth to a shelter care facility or to the Juvenile Court. N.D. Cent. Code, § 27-20-15 (2002). While the North Dakota Century Code does not directly address proceedings concerning runaway youth, a runaway youth may be declared an unruly child. An unruly child is, among other things, a child who is habitually disobedient of the reasonable and lawful

commands of the child's guardian and is ungovernable, or who is willfully in a situation dangerous or injurious to the health, safety, or morals of the child, or has committed an offense applicable only to a child. N.D. Cent. Code, § 27-20-02 (2002).

Ohio

A runaway youth may be taken into custody without a warrant by a police officer or by an authorized officer of the court. The police officer shall not deliver the youth to a shelter care facility without a court order unless it is in the best interests of the youth. ORC Ann. 2151.31 (Anderson 2002). State-regulated runaway shelters exist where runaway youth may be delivered for care and services. ORC Ann. 5119.66 (Anderson 2002). While the Ohio Revised Code Annotated does not directly address proceedings concerning runaway youth, a runaway youth may be declared an unruly child if the youth does not submit to the reasonable control of the youth's guardian, by reason of being wayward or habitually disobedient. ORC Ann. 2151.022 (Anderson 2002).

Oklahoma

A runaway youth may be taken into custody without a warrant by a police officer or by an employee of the Juvenile Court. The police officer or court employee shall then release the youth into the custody of the youth's guardian, or detain the youth if necessary to protect the youth's well being and deliver the youth to the court for proceedings and placement. 10 Okl. St. § 7303-1.1 (2002). A runaway youth may be declared a child in need of supervision. 10 Okl. St. § 7301-1.3 (2002). A child in need of supervision may be placed on probation, may be placed with the youth's guardian under supervision of the court, may be considered for an independent living program, may be ordered to participate in counseling, social services, or a military mentor program, may be placed in a private child care facility, or may be placed in the custody of the Office of Juvenile Affairs. 10 Okl. St. § 7303-5.3 (2002).

Oregon

A runaway youth may be taken into custody without a warrant by a police officer, a counselor, an employee of the Department of Human Services or by any other person authorized by the Juvenile Court. The person taking custody shall then release the youth into the custody of the youth's guardian or deliver the youth to shelter care facility approved by the Juvenile Court to provide care for runaway youth. The person taking custody shall consult the youth and the youth's guardian

concerning whether they prefer the youth to be placed in a shelter care facility or returned home. If the youth indicates that the youth will not remain at home if returned there, the person taking custody shall deliver the youth to a shelter care facility. ORS § 419B.150 (2001). Regardless of where the youth is taken, the youth's guardian must be notified. ORS § 419B.160 (2001). If the runaway youth's circumstances indicate a need for either delinquency or dependency proceedings, the person who took the youth into custody or the shelter care facility shall deliver the youth to the Juvenile Court. ORS § 419B.168 (2001).

Pennsylvania

A runaway youth may be taken into custody without a warrant by a police officer. 42 Pa.C.S. § 6324 (2002). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian, deliver the youth to the court, or deliver the youth to a shelter care facility. 42 Pa.C.S. § 6326 (2002). While the Pennsylvania Statutes do not directly address proceedings concerning runaway youth, a runaway youth may be declared a dependent child by the court. A dependant child is, among other things, a child who is without a guardian, or a child who has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of the child's guardian and who is ungovernable and found to be in need of care, treatment, or supervision. 42 Pa.C.S. § 6302 (2002). A dependent child may be permitted to remain in the home of the child's guardian subject to supervision by the court, may be placed temporarily with a relative or public or private childcare agency, or may be placed permanently with a relative or other appropriate adult if this placement is in the best interest of the child and preventative measures were unsuccessful. 42 Pa.C.S. § 6351 (2002).

Rhode Island

A runaway youth may be taken into custody without a warrant by a police officer. The youth must be delivered to the family court for consideration within 24 hours. R.I. Gen. Laws § 14-1-25 (2001). A runaway youth may be declared a wayward child by the court. R.I. Gen. Laws § 14-1-3 (2001). A wayward child may be placed on probation, placed under supervision in the child's home, placed in the custody of a relative or other suitable person, or placed in the custody of the director of the Department of Children, Youth, and Families. R.I. Gen. Laws § 14-1-32 (2001). The court has the power to make other orders not specified if they are in the best interest of the youth. R.I. Gen. Laws § 14-1-37 (2001).

South Carolina

The South Carolina Code Annotated does not explicitly address taking a runaway youth into custody. Running away is, however, considered a status offense. S.C. Code Ann. § 20-7-30 (2001). A status offender may be ordered to participate in the Youth Mentor Program. S.C. Code Ann. § 20-7-7808 (2001) or may be committed to the Department of Juvenile Justice for up to ninety days. S.C. Code Ann. § 20-7-7810 (2001). The court may also order the youth to undergo treatment, to endure a period of probation or to be placed in the custody of a public or private childcare agency. S.C. Code Ann. § 20-7-7805 (2001).

South Dakota

A runaway youth may be taken into custody without a warrant by a police officer. S.D. Codified Laws § 26-7A-12 (2001). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or deliver the youth to an intake officer for assessment. S.D. Codified Laws §§ 26-7A-13.1, 15 (2001). A runaway youth may be declared a child in need of supervision. S.D. Codified Laws § 26-8B-2 (2001). A child in need of supervision may be subject to probation, may be assigned to a supervised work program, may be subject to treatment, and may be placed with the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center. S.D. Codified Laws § 26-8B-6 (2001).

Tennessee

A runaway youth may be taken into custody without a warrant by a police officer. Tenn. Code Ann. § 37-1-113 (2001). The police officer shall then release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court. Tenn. Code Ann. § 37-1-115 (2001). A runaway youth may be declared an unruly child by the juvenile court. Tenn. Code Ann. § 37-1-102 (2001). An unruly child may be subject to probation, a fine or community service. The court may also order an unruly child to participate in services provided by the Department of Children Services. The court may also place an unruly child in the custody of a childcare facility, a child welfare agency or the Department of Children Services, but must choose the least restrictive option necessary. Tenn. Code Ann. § 37-1-132 (2001).

Texas

A runaway youth may be taken into custody without a warrant by a police officer. Tex. Fam. Code § 52.01 (2002).

The officer shall then release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court for assessment. Tex. Fam. Code § 52.02 (2002). A runaway youth may be declared a status offender. Tex. Fam. Code § 51.02 (2002). The juvenile court may order a status offender to be placed into the custody of the youth's guardian, a relative, a foster home, or a public or private institution or agency. Tex. Fam. Code § 54.04 (2002).

Utah

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then notify the youth's guardian and release the youth into the custody of the youth's guardian. If the youth's guardian cannot be located or if the youth's welfare is in danger, the police officer shall deliver the youth to a shelter for care and assessment. Utah Code Ann. § 78-3a-113 (2001). A runaway youth may be considered status offender by the juvenile court. Utah Code Ann. § 62A-4a-101 (2001). The juvenile court has jurisdiction over runaway youth as status offenders and may place the youth on probation or under protective supervision in the youth's own home, or may place the youth in state supervision with the probation department of the court. The court may also place the youth in the legal custody of a relative or other suitable person, the Division of Child and Family Services, Division of Youth Corrections, or the Division of Mental Health without probation or supervision and may refer the youth to the Department of Human Services to provide dispositional recommendations and services. Utah Code Ann. § 78-3a-118 (2001).

Vermont

A runaway youth may be taken into custody without a warrant by a police officer. 33 V.S.A. § 5510 (2001). The police officer shall then either release the youth into the custody of the youth's guardian or deliver the youth to a shelter designated by the Commissioner of Social and Rehabilitation Services as qualified to assist youth who have run away for the purpose of reuniting them with their parents, guardian or legal custodian. 33 V.S.A. § 5511 (2001). If the youth is delivered to a shelter, the shelter shall make efforts to reunite the youth with the youth's guardian. The youth shall not remain at the shelter for more than seven days. If reunification measures are not successful, then the youth must be brought before the juvenile court. 33 V.S.A. § 5512 (2001). A runaway youth may be declared a child in need of care or supervision. A child in need of care or supervision may be released into the custody of the youth's guardian, may be subject to protective services,

may be placed in the custody of the Department of Social and Rehabilitation Services, a foster care home, or a child placing agency. 33 V.S.A. § 5528 (2001).

Virginia

A runaway youth may be taken into custody without a warrant by a police officer. Va. Code Ann. § 16.1-246 (2002). The police officer shall then deliver the youth to an intake officer at the juvenile court. The intake officer shall then release the youth, return the youth to the youth's home, or place the youth in shelter care for a period of no longer than 24 hours. Va. Code Ann. § 16.1-247 (2002). A runaway youth may be declared a child in need of supervision. Va. Code Ann. § 16.1-228 (2002). A child in need of supervision may be released into the custody of the youth's guardian subject to certain conditions and limitations, may be placed in a child care facility or independent living situation, or may be placed in the legal custody of a relative or other qualified individual, a child welfare agency, or private childcare institution. Va. Code Ann. § 16.1-278.4 (2002).

Washington

A runaway youth may be taken into custody without a warrant by a police officer if the youth's guardian has reported that the youth has run away to a law enforcement agency. The police officer shall then deliver the youth to a crisis residential center for assessment and care. Rev. Code Wash. (ARCW) § 13.32A.050 (2002). The crisis residential center must inform the guardian of the youth of the youth's presence at the center and arrange transportation for the youth to the youth's guardian's home or an out-of-home placement such as a foster care or child care facility. Rev. Code Wash. (ARCW) § 13.32A.090 (2002). The guardian of a runaway youth may file a petition alleging that the youth is an at risk youth. Rev. Code Wash. (ARCW) § 13.32A.191 (2002). The court may order an at risk youth to undergo treatment and counseling and may order the youth to keep in regular contact with the Department of Social and Health Services. Rev. Code Wash. (ARCW) § 13.32A.196 (2002). The youth may also be subject to permanent out-of-home placement if necessary. Rev. Code Wash. (ARCW) § 13.32A.160 (2002).

West Virginia

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or, if necessary, deliver the youth

to an appropriate court or magistrate for a detention hearing. W. Va. Code § 49-5-8 (2001). The youth may be considered a status offender. W. Va. Code § 49-1-4 (2001). The court may order the runaway youth to participate in services offered by the Department of Health and Human Services and may order the youth placed in a child care facility and transfer custody of the youth to the department. W. Va. Code § 49-5-11a (2001).

Wisconsin

A runaway youth may be taken into custody without a warrant by a police officer. Wis. Stat. § 938.19 (2001). The police officer shall then either release the youth into the custody of the youth's guardian after counseling or warning the youth as appropriate, or deliver the youth to a runaway home. If the runaway youth is delivered to a runaway home, the parents shall be notified immediately and a detention hearing shall be held. Wis. Stat. § 938.20 (2001). The court may declare the youth a juvenile in need of protection or services. Wis. Stat. § 938.13 (2001). The court may order a juvenile in need of protection or services to undergo counseling, may subject the juvenile in need of protection or services to court supervision, and may either release the juvenile in need of protection or services into the custody of the youth's guardian, or place the youth with a relative, a child caring institution, or an independent living situation (if the youth is 17 or older). Transfer of custody from the youth's guardian can be voluntary or court ordered if necessary. Wis. Stat. § 938.345 (2001).

Wyoming

A runaway youth may be taken into custody without a warrant by a police officer. Wyo. Stat. § 14-6-405 (2001). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian, place the youth in shelter care pursuant to a court order. The youth may be placed in shelter care without a court order only if the youth's safety is in danger or to ensure that the youth appears before the court for proceedings. Wyo. Stat. § 14-6-406 (2001). The juvenile court may declare a runaway youth a child in need of supervision and running away may be considered a status offense. Wyo. Stat. § 14-6-402 (2001). The court may release a child in need of supervision into the custody of the youth's guardian under protective supervision of the court, may transfer custody of a child in need of supervision to a relative or other responsible adult under protective supervision of the court, or transfer temporary custody to a private or public child care agency. The court may also order the youth to undergo treatment and counseling. Wyo. Stat. § 14-6-429 (2001).

District of Columbia

A runaway youth may be taken into custody without a warrant by a police officer. D.C. Code § 16-2309 (2002). With all reasonable speed, custody of the youth shall be given to the youth's guardian or a shelter care facility or the youth shall be brought to social services for need assessment. D.C. Code § 16-2311 (2002). ♦

STATUS OFFENSES—TRUANCY

Alabama

Compulsory school age is 7-16 years old. A police officer or attendance officer may take custody of a truant youth and then shall deliver the youth to the youth's home or school. Attendance officers are responsible for monitoring truancy. Attendance officers, principals, superintendents and probation officers may file petitions with the juvenile court alleging that a youth is habitually truant. A habitual truant may be declared a child in need of supervision and be subject to court orders. Code of Ala. § 12-15-1 (2002); Code of Ala. § 16-28-1 (2002); Code of Ala. § 16-28-17 (2002); Code of Ala. § 16-28-18 (2002); Code of Ala. § 16-28-21 (2002); Code of Ala. § 16-28-22 (2002).

Alaska

Compulsory school age is 7-16 years old. The governing body of each school district shall establish policies and procedures to address truancy. Alaska Stat. § 14.30.010 (2001); Alaska Stat. § 14.30.030 (2001).

Arizona

Compulsory school age is 6-16 years old. Truancy is defined as an unexcused absence for at least one period of the school day. A habitual truant is a student who is truant for at least five days within a school year. A police officer may take a truant youth into custody without a warrant. A habitual truant may be declared an incorrigible child and be subject to court orders. A.R.S. 15-803 (2001); A.R.S. 8-303 (2001).

Arkansas

Compulsory school age is 5-17 years old. The board of directors of each school district is responsible for developing policies and procedures regarding school attendance. School districts may create a truancy board which will recommend methods for improving school attendance. Police officers may take a truant youth into custody and then shall deliver the youth to home, school, or a truancy center. The family of a truant youth may be declared a family in need of services and be subject to court orders. A.C.A. § 6-18-201 (2001); A.C.A. § 6-18-209 (2001); A.C.A. § 6-18-221 (2001); A.C.A. § 6-18-226 (2001); A.C.A. § 9-27-303 (2001).

California

Compulsory school age is 6-18 years old. Any student who is absent without valid excuse three or more times in a school year will be considered a truant and must be reported to an attendance supervisor or superintendent. A conference shall be held to address the student's truancy. If a student is reported as a truant three or more times in a school year, the student will be considered a habitual truant. A truant youth may be taken into custody by a police officer, an attendance officer, or a school administrator and then shall be delivered to the youth's home, to school, or to a nonsecure youth service center or community center designated by the school district for counseling. Habitual truants may be referred to an attendance review board who may provide counseling and community services to the youth. A habitual truant may also be declared a ward of the court and be subject to court orders. Cal. Ed. Code § 48260 (2001); Cal. Ed. Code § 48262 (2001); Cal. Ed. Code § 48263 (2001); Cal. Ed. Code § 48264 (2001); Cal. Ed. Code § 48265 (2001); Cal Wel Inst Code § 601 (2001).

Colorado

Compulsory school age is 7-16 years old. Colorado grants local boards of education of each school district power to create a written policy regarding attendance requirements and penalties for noncompliance. The boards shall also designate attendance officers who are responsible for investigating unexcused absences. Students who have four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year shall be considered habitually truant. The board of education shall adopt and implement policies and procedures concerning habitually truant youth focused on ensuring that the student remains enrolled in school. These policies and procedures shall also focus on guardian involvement when practicable. Judicial proceedings may occur in order to enforce the compulsory school attendance policies and provisions. C.R.S. 22-33-104 (2001); C.R.S. 22-33-107 (2001); C.R.S. 22-33-108 (2001).

Connecticut

Compulsory school age is 5-16 years old. Connecticut grants cities and towns the power to adopt ordinances concerning truancy. Connecticut also grants local school boards the power to adopt policies and provisions concerning truancy. The policies and provisions shall include guardian involvement, child and family services, and a system of monitoring unexcused absences in order to respond immediately to a student's nonattendance. A student who has four unexcused

absences in one month or ten unexcused absences in a school year is considered a truant. A student who has twenty unexcused absences in a school year is considered a habitual truant. A family with a truant youth may be declared a family with service needs and may be subject to court order. Conn. Gen. Stat. § 10-198a (2001); Conn. Gen. Stat. § 10-200 (2001); Conn. Gen. Stat. § 46b-120 (2001).

Delaware

Compulsory school age is 5-16 years old. A student who has three or more unexcused absences in a school year is considered a truant. Police officers may take custody of youth who appears to be off school grounds without authorization and return the youth to the youth's home or school. Truant students may be subject to truancy conferences and court proceedings. The court has the power to order a variety of remedies that may apply to the student, including counseling, treatment, community service, curfews, and alternative education. 14 Del. C. § 2702 (2001); 14 Del. C. § 2723 (2001); 14 Del. C. §§ 2725 (2001); 14 Del. C. § 2730 (2001).

Florida

Compulsory school age is 6-16 years old. Florida places the responsibility of monitoring nonattendance on local school boards. Florida also sets out procedures focused on addressing truancy, including contact with student's guardians, conferences focused on developing a plan to address a student's truancy, referrals to family services, court proceedings, and efforts by school officials to locate truant youth and return them to their homes or schools. Superintendents may file a truancy petition or a child in need of services petition in order to involve a habitual truant in court proceedings. Youth found to be habitual truants may be ordered to make up missed school work, pay fines, perform community service, and participate in counseling. Fla. Stat. 232.17 (2001); Fla. Stat. 232.19 (2001).

Georgia

Compulsory school age is 6-16 years old. A youth that appears to be absent from school without authorization may be taken into custody by a police officer and then delivered to the youth's guardian or school. School official may file proceedings in order to enforce compulsory school attendance requirements. A truant youth may be considered a status offender, may be declared an unruly child, and may be subject to court orders. O.C.G.A § 20-2-690.1 (2001); O.C.G.A § 20-2-698 (2001); O.C.G.A § 20-2-699 (2001); O.C.G.A § 15-11-2 (2001).

Hawaii

Compulsory school age is 6-18 years old. A youth may be excused from compulsory school attendance by a superintendent or family court judge if over the age of fifteen and gainfully employed. A family court judge may also excuse a youth for other appropriate reasons. A truant youth may be brought before a family court judge for proceedings if a petition is filed by a school official or police officer concerning the youth's nonattendance. Additionally a youth may be taken into custody by a police officer if it is believed the youth is not attending school. HRS § 302A-1132 (2001); HRS § 302A-1135 (2001); HRS § 571-31 (2001).

Idaho

Compulsory school age is 7-16 years old. A student who repeatedly violates compulsory school attendance requirements is considered a habitual truant. A habitual truant may be denied enrollment in a school by a board of trustees or may be temporarily suspended by the school superintendent. Punishment for truancy is guardian focused. However, truancy is considered a status offense and a suspected truant may be taken into custody by a police officer. If a youth commits three status offenses (running away, truancy, curfew violations) in one year, the court may declare the youth a habitual status offender. Habitual status offenders may be placed on probation or placed in a juvenile shelter care facility. Idaho Code § 20-516 (2002); Idaho Code § 20-520 (2001); Idaho Code § 20-521 (2001); Idaho Code § 33-202 (2002); Idaho Code § 33-205 (2002); Idaho Code § 33-206 (2002); Idaho Code § 33-207 (2002).

Illinois

Compulsory school age is 7-16 years old. School districts and counties may employ truancy officers to monitor truant students, including investigating unexcused absences and taking truant youth into custody. If a youth is beyond the control of the youth's guardian and has been absent from school without authorization, a truancy petition may be filed. Truant minors must be provided with supportive services and counseling before punitive measures, such as suspension and expulsion may be taken. A chronic truant is a youth, subject to compulsory school attendance, who is absent without valid cause for 10% or more of the previous 180 regular attendance days. A chronic truant student may be declared a truant minor in need of supervision. A truant minor in need of supervision may be subject to a mandatory educational plan, a service plan, counseling, fines and public service. 105 ILCS

5/26-1 (2001); 105 ILCS 5/26-2a (2001); 105 ILCS 5/26-3d (2001); 105 ILCS 5/26-5 (2001); 105 ILCS 5/26-8 (2001); 105 ILCS 5/26-12 (2001); 105 ILCS 5/26-15 (2001); 705 ILCS 405/3-33 (2001).

Indiana

Compulsory school age is 7-18 years old. Attendance officers have the responsibility of monitoring truancy. Attendance officers and police officers may take truant youth into custody and then shall deliver the youth to the youth's school. Habitually truant youth shall be delivered to the Juvenile Court. Youth who are in violation of compulsory school attendance may be declared delinquent and may be subject to court orders. Burns Ind. Code Ann. § 20-8.1-3-7 (2002); Burns Ind. Code Ann. § 20-8.1-3-11 (2002); Burns Ind. Code Ann. § 20-8.1-3-29 (2002); Burns Ind. Code Ann. § 20-8.1-3-31.1 (2002); Burns Ind. Code Ann. § 31-37-2-3 (2002).

Iowa

Compulsory school age is 6-16 years old. A truant is any student who fails to attend school without a reasonable excuse for the absence. A truancy officer may take a truant youth into custody and then shall deliver the youth to school and notify the youth's guardian. A school district shall attempt to discover the cause of a student's truancy and ensure that the student attends in the future. An attendance cooperation process may be developed to ensure the student's attendance. If these informal procedures are unsuccessful, a truant may be referred to the county attorney for mediation and prosecution. Mediation may result in referrals to social services and counseling and an agreement concerning the student's future attendance. Iowa also grants school districts and nonpublic schools the power to prescribe reasonable rules for the punishment of truants. Iowa Code § 299.1a (2002); Iowa Code § 299.5a (2002); Iowa Code § 299.6 (2002); Iowa Code § 299.8 (2002); Iowa Code § 299.9 (2002); Iowa Code § 299.11 (2002).

Kansas

Compulsory school age is 7-18 years old. A police officer may take a truant youth into custody and then shall deliver the youth to school. When nonattendance occurs, the youth's guardian shall be notified and a report shall be delivered to the Secretary of Social and Rehabilitation Services or the district attorney who shall investigate the matter. A truant youth may be declared a child in need of care and be subject to a court order. K.S.A. § 72-1111 (2001); K.S.A. § 72-1113 (2001); K.S.A. § 38-1502 (2001); K.S.A. § 38-1527 (2001); K.S.A. § 38-1528 (2001).

Kentucky

Compulsory school age is 6-16 years old. If a student is absent without a valid excuse for three or more days, the student will be considered a truant. Any student reported as a truant three or more times will be considered a habitual truant. Local boards of education have the power to adopt policies that require students to comply with compulsory school attendance requirements, that require truants to make up unexcused absences, and that impose sanctions on truants and habitual truants. Pupil personnel are responsible for monitoring truancy within their district and have the power to fully investigate truant youth. KRS § 159.130 (2001); KRS § 159.140 (2001); KRS § 159.150 (2001).

Louisiana

Compulsory school age is 7-18 years old. A truant youth may be taken into custody without a warrant by a police officer. School officials shall report truant youth to family or juvenile court for proceedings. A student shall be considered habitually absent if the youth has five unexcused absences in one month and reasonable efforts taken by school officials have not resulted in regular school attendance by the youth. The family of a truant youth may be declared a family in need of services and be subject to court order. La. R.S. 17:221 (2002); La. R.S. 17:221 (2002); La. R.S. 17:233 (2002); La. Ch.C. Art 730 (2002); La. Ch.C. Art. 736 (2002).

Maine

Compulsory school age is 7-17 years old. A student is habitually truant if the student is absent without excuse for ten days in one school year or for seven consecutive days. Habitual truants shall first be reported to the school superintendent for informal proceedings, including involvement of the truant's guardian and other necessary measures. If this informal process does not correct the student's truancy, then a hearing shall be held by the school board. The school board may instruct the truant to attend school or, if the truant is fifteen years or older, may waive the compulsory attendance requirement. Habitual truants may be reported to law enforcement and police officers may offer a habitual truant transportation to school if consent is given by the truant and the truant's guardian. 20-A M.R.S. § 5001-A (2001); 20-A M.R.S. § 5051 (2001).

Maryland

Compulsory school age is 5-16 years old. Principals and teachers must report the names of students who have been

absent without lawful excuse to the superintendent. The superintendent shall investigate the circumstances of the truancy, may provide counseling to the student and student's guardian regarding the availability of social and educational services, and may report the student's truancy to the Department of Juvenile Justice for proceedings. A student who is habitually truant may be declared a child in need of supervision and be subject to court orders. Md. EDUCATION Code Ann. § 7-301 (2001); Md. EDUCATION Code Ann. § 7-302 (2001); Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-01 (2001).

Massachusetts

Compulsory school age is 6-16 years old. If in the best interest of the student, a student may obtain an employment permit from the superintendent of schools that will excuse compulsory school attendance. Supervisors of attendance are responsible for investigating unexcused student absences. Supervisors of attendance may take truant youth into custody and then shall deliver them to school. A student who persistently fails to attend school may be declared a child in need of services and may be subject to court orders. Mass. Ann. Laws ch. 76, § 1 (2002); Mass. Ann. Laws ch. 76, § 20 (2002); Mass. Ann. Laws ch. 119, § 39G (2002).

Michigan

Compulsory school age is 6-16 years old. Attendance officers are responsible for monitoring attendance and may hold conferences with truants and their guardians to address attendance problems. A habitual truant may be declared a juvenile disorderly person and ordered to attend a special ungraded school. Youth who are repeatedly absent from school may also be subject to court orders aimed at addressing their attendance problems. MCLS § 380.1561 (2002); MCLS § 380.1596 (2002); MCLS § 380.1586 (2002); MCLS § 712A.2 (2002).

Minnesota

Compulsory school age is 7-16 years old. A continuing truant is considered a student who is absent without excuse for three or more days in one school year. An attendance officer or school official may refer a continuing truant to the school attendance review board. The school attendance review board may direct the continuing truant to take advantage of available community-based truancy projects and service centers in order to address the attendance problem. If these services are ineffective, then the school attendance review board may report the continuing truant to the county attorney for judicial proceedings or participation in the truancy mediation

program which formally addresses a student's nonattendance. Police officers may take truant youth into custody and then shall transport the youth to the youth's home or school, or a truancy service center. Minn. Stat. § 260A.02 (2001); Minn. Stat. § 260A.06 (2001); Minn. Stat. § 260A.07 (2001); Minn. Stat. § 260A.22 (2001); Minn. Stat. § 260C.143 (2001).

Mississippi

Compulsory school age is 6-17 years old. School attendance officers are responsible for monitoring truants, including locating youth who are absent without excuse, investigating causes of nonattendance, providing services and counseling that address nonattendance, and coordination with social and welfare services. Truant youth may be subject to court proceedings. A Youth Court may declare a truant youth a child in need of supervision and prescribe court orders to address the youth's truancy. Miss. Code Ann. § 37-13-89 (2001); Miss. Code Ann. § 37-13-91 (2001); Miss. Code Ann. § 43-21-105 (2001).

Missouri

Compulsory school age is 7-16 years old. Attendance officers are responsible for investigating and monitoring truant youth. A habitual truant may be subject to court proceedings in juvenile or family court. A habitual truant may be declared a child in need of care or treatment and be subject to court orders. A habitual truant may also be compelled to attend truancy school. § 167.031 R.S.Mo. (2001); § 167.071 R.S.Mo. (2001); § 211.031 R.S.Mo. (2001).

Montana

Compulsory school age is 7-16 years old. Attendance officers are responsible for monitoring truancy, including enforcing compulsory school attendance and taking truants into custody and delivering them to school. If a truancy officer discovers that a youth is not attending school because the youth must work to support himself/herself or his/her family, the truancy officer shall report the youth to the authorities charged with relief of the poor. Habitual truancy occurs when a student is absent without excuse 10 days or more in a semester. A habitual truant may be declared a youth in need of intervention and be subject to court order. Mont. Code Anno., § 41-5-103 (2001).

Nebraska

Compulsory school age is 7-16 years old. A youth may be exempt from compulsory school attendance if the youth must work to support the youth's guardian. Attendance officers are

responsible for monitoring and enforcing compulsory school attendance. Truant youth may be required to attend meetings concerning their nonattendance and may be subject to educational counseling and evaluation. A truant youth may be considered a status offender and may be declared a child in need of supervision and be subject to court orders. R.R.S. Neb. § 79-201 (2001); R.R.S. Neb. § 79-202 (2001); R.R.S. Neb. § 79-208 (2001); R.R.S. Neb. § 79-209 (2002); R.R.S. Neb. § 28-709 (2002); R.R.S. Neb. § 43-245 (2002).

Nevada

Compulsory school age is 7-17 years old. A youth may be exempt from compulsory school attendance if the youth must work to support the youth's guardian. A police officer may take a youth into custody for truancy if the youth has been reported to law enforcement by a school official. Upon taking custody the officer shall deliver the youth to school or to the youth's parents. Truancy is considered to have occurred when a student is absent without excuse for at least one period of the school day. Any student who has been declared a truant three or more times within one school year must be declared a habitual truant. A habitual truant may be declared a child in need of supervision and be subject to court orders. Nev. Rev. Stat. Ann. § 201.090 (2001); Nev. Rev. Stat. Ann. § 392.040 (2001); Nev. Rev. Stat. Ann. § 392.100 (2001); Nev. Rev. Stat. Ann. § 392.130 (2001); Nev. Rev. Stat. Ann. § 392.140 (2001); Nev. Rev. Stat. Ann. § 392.160 (2001).

New Hampshire

Compulsory school age is 6-16 years old. Truant officers are responsible for monitoring attendance and have the power to take a truant youth into custody and deliver the youth to school. A truant youth may be referred to the court and declared a child in need of services. RSA 169-D:2 (2002); RSA 193:1 (2002); RSA 189:36 (2002).

New Jersey

Compulsory school age is 6-16 years old. An attendance officer or a police officer may take a truant youth into custody and then shall deliver the truant youth to school or to the youth's home. If efforts to address a youth's truancy problem are not successful, then the youth may be referred to the courts. The youth may be declared a juvenile delinquent and be subject to court orders. N.J. Stat. § 18A:38-27 (2002); N.J. Stat. § 18A:38-28 (2002); N.J. Stat. § 18A:38-29 (2002); N.J. Stat. § 18A:38-30 (2002).

New Mexico

Compulsory school age is 5-18 years old. After the first incident of truancy, a youth's school shall send written notice to the youth's home. If the truancy persists, the youth will be referred to the court. A truant youth may be declared a child in need of supervision or the youth's family may be declared a family in need of services. Such a declaration would subject the youth or the youth's family to court orders. N.M. Stat. Ann. § 22-12-2 (2001); N.M. Stat. Ann. § 22-12-7 (2001); N.M. Stat. Ann. § 32A-3A-2 (2001).

New York

Compulsory school age is 6-16 years old. Supervisors of attendance, attendance teachers, and attendance officers are responsible for monitoring truancy. They may take truant youth into custody. A truant youth may be considered a school delinquent and be subject to school mandated punishment. Truant youth may be referred to family court. A truant youth may be declared a person in need of supervision and may be subject to court orders. NY CLS Educ § 3205 (2002); NY CLS Educ § 3213 (2002); NY CLS Educ § 3214 (2002); NY CLS Educ § 3232 (2002); NY CLS Family Ct Act § 712 (2002).

North Carolina

Compulsory school age is 7-16 years old. A truant youth may be taken into custody without a warrant by a police officer. The principal of a school shall notify a youth's guardian if the youth is truant and the guardian will be expected to ensure that future unexcused absences do not occur. If a youth is absent ten or more times in a year, the youth will be considered habitually absent. A habitually absent youth may be declared an undisciplined child and may be subject to court orders. N.C. Gen. Stat. § 115C-378 (2001); N.C. Gen. Stat. § 7B-1501 (2001); N.C. Gen. Stat. § 7B-1900 (2001).

North Dakota

Compulsory school age is 7-16 years old. Teachers and administrators are responsible for monitoring school attendance and for reporting truant youth to the school superintendent. The superintendent may report the truant youth to the county attorney who may file a petition with the court. A truant youth may be declared a child in need of services and may be subject to court orders. N.D. Cent. Code, § 15.1-20-01 (2002); N.D. Cent. Code, § 15.1-20-03 (2002); N.D. Cent. Code, § 27-20-02 (2002).

Ohio

Compulsory school age is 6-18 years old. Attendance officers are responsible for monitoring school attendance. Attendance officers may take a truant youth into custody and then shall deliver the youth to school. A habitual truant is a student who is absent without excuse for five or more consecutive days, seven or more days in a month, or twelve or more days in one school year. A superintendent may report a habitual truant to the juvenile court. A habitual truant may be declared an unruly child and may be subject to court orders. ORC Ann. 2151.022 (Anderson 2002); ORC Ann. 2151.022 (Anderson 2002); ORC Ann. 3321.01 (Anderson 2002); ORC Ann. 3321.02 (Anderson 2002); ORC Ann. 3321.13 (Anderson 2002); ORC Ann. 3321.17 (Anderson 2002); ORC Ann. 3321.22 (Anderson 2002).

Oklahoma

Compulsory school age is 5-18 years old. A truant youth may be taken into custody by a police officer, attendance officer, and a school administrator and then shall be delivered to school or to the youth's home. A truant youth may be declared a child in need of supervision and may be subject to court order. 70 Okl. St. § 10-105 (2002); 70 Okl. St. § 10-109 (2002); 10 Okl. St. § 7301-1.3 (2002).

Oregon

Compulsory school age is 7-18 years old. Attendance supervisors are responsible for monitoring truancy. The guardian of a truant youth will be notified and required to ensure that the youth attend school in the future. ORS § 339.010 (2001); ORS § 339.055 (2001); ORS § 339.080 (2001).

Pennsylvania

Compulsory school age is 8-17 years old. A student who fails to comply with the laws of compulsory school attendance or a habitual truant may be referred to the school district for services or may be brought before the juvenile court for dependency proceedings and possible court orders. Habitual truants may also be fined for each incident of nonattendance. Truant youth may be taken into custody by a police officer, attendance officer, and other authority figures. Upon taking custody the authority figure must notify the youth's guardian and deliver the youth to school. 24 P.S. § 13-1326 (2002); 24 P.S. § 13-1333 (2002); 24 P.S. § 13-1338 (2002); 24 P.S. § 13-1343 (2002).

Rhode Island

Compulsory school age is 6-16 years old. Truancy officers are responsible for monitoring student attendance and truancy. A student who appears to be absent from school without excuse may be taken into custody without a warrant by a police officer. A habitual truant is a student who habitually and willfully is absent from school. A habitual truant may be declared a wayward child and be subject to court orders. R.I. Gen. Laws § 16-19-1 (2001); R.I. Gen. Laws § 16-19-6 (2001); R.I. Gen. Laws § 14-1-3 (2001); R.I. Gen. Laws § 14-1-25 (2001).

South Carolina

Compulsory school age is 5-17 years old. The board of trustees for a school district is responsible for reporting a student's nonattendance to the Juvenile Court. Truancy is considered a status offense and a truant youth may be subject to court proceedings and court orders. If a student violates a court order concerning school attendance, the student may be found in contempt and declared delinquent. S.C. Code Ann. § 59-62-30 (2001); S.C. Code Ann. § 59-65-10 (2001); S.C. Code Ann. § 59-65-50 (2001); S.C. Code Ann. § 20-7-6605 (2001); S.C. Code Ann. § 20-7-7810 (2001).

South Dakota

Compulsory school age is 6-16 years old. Truancy officers have the responsibility of monitoring school attendance. Truancy officers and police officers may take a truant youth into custody without a warrant and then shall deliver the youth to school. A truant youth may be declared a child in need of supervision and be subject to court order. S. D. Codified Laws § 13-27-1 (2001); S. D. Codified Laws § 13-27-19 (2001); S. D. Codified Laws § 26-8B-2 (2001).

Tennessee

Compulsory school age is 6-17 years old. Truant youth may be taken into custody by a police officer and then shall be delivered to the youth's guardian, to school, or to a truancy center. If a student is absent without excuse for five or more days in one school year, the student's teacher or principal shall report the student to the superintendent. A truant youth may be declare an unruly child and be subject to court orders. Truant youth may also be compelled to attend truancy school. Tenn. Code Ann. § 49-6-3001 (2001); Tenn. Code Ann. § 49-6-3007 (2001); Tenn. Code Ann. § 49-6-3012 (2001), Tenn. Code Ann. § 37-1-102 (2001).

Texas

Compulsory school age is 6-18 years old. A police officer or attendance officer may take a truant youth into custody and shall deliver the youth to the youth's guardian or to the court. Attendance officers are responsible for monitoring school attendance. A youth commits a status offense if the youth is absent from school without excuse ten or more times in a six month period or three or more times in a four week period. If a court finds that a youth has committed a status offense, the youth will be subject to court orders. Tex. Educ. Code § 25.085 (2002); Tex. Educ. Code § 25.091 (2002); Tex. Educ. Code § 25.094 (2002); Tex. Fam. Code § 51.02 (2002).

Utah

Compulsory school age is 6-18 years old. A truant minor is any school age minor who is absent from school without a valid excuse. Truant minors will receive a truancy citation requiring them to appear before the truancy control officer. A habitual truant is a minor who has received more than two truancy citations or has eight or more unexcused absences in a school year. Truancy officers may be appointed to help enforce compulsory school attendance. A truant youth may be taken into custody by a police officer, truant officer, or school administrator and then shall be delivered to school, the youth's home, or a truancy receiving center. A truant youth may also be referred to the Division of Child and Family Services. Utah Code Ann. § 53A-11-101 (2001); Utah Code Ann. § 53A-11-104 (2001); Utah Code Ann. § 53A-11-105 (2001).

Vermont

Compulsory school age is 6-16 years old. Truancy officers are responsible for monitoring nonattendance. Principals and teachers are responsible for reporting students who are absent without excuse to the superintendent. Truancy officers may take a truant youth into custody and deliver the youth to school. A truant youth may be declared a child in need of care or supervision and be subject to court orders. 16 V.S.A. §1121 (2001); 16 V.S.A. §1125 (2001); 16 V.S.A. §1126 (2001); 16 V.S.A. §1127 (2001); 33 V.S.A. §5502 (2001).

Virginia

Compulsory school age is 5-18 years old. Attendance officers have the responsibility of monitoring school attendance. Attendance officers and police officers may take a truant youth into custody without a warrant and then shall deliver the youth to school or a truancy center. A truant youth may

be declared a child in need of supervision and may be subject to court orders. Va. Code Ann. § 22.1-254 (2002); Va. Code Ann. § 22.1-258 (2002); Va. Code Ann. § 22.1-266 (2002); Va. Code Ann. § 22.1-267 (2002).

Washington

Compulsory school age is 8-18 years old. A police officer or school official may take a truant youth into custody and then shall deliver the youth to school, the youth's guardian, or a truancy program. A school district may refer a truant student to a community truancy board, enter into an agreement with the student and the student's guardian concerning school attendance, or, if other actions have been ineffective, file a petition with the Juvenile Court. If the court deems it necessary, it shall assume jurisdiction over the truant student and any future incidents of nonattendance shall be reported to the court. The truant student may also be subject to court orders concerning attendance. Rev. Code Wash. (ARCW) § 28A.225.010 (2002); Rev. Code Wash. (ARCW) § 28A.225.020 (2002); Rev. Code Wash. (ARCW) § 28A.225.030 (2002); Rev. Code Wash. (ARCW) § 28A.225.035 (2002); Rev. Code Wash. (ARCW) § 28A.225.060 (2002).

West Virginia

Compulsory school age is 6-16 years old. Attendance officers are responsible for monitoring school attendance. A truant youth and the youth's guardian may be asked to attend a conference in order to discuss and address the youth's attendance. A truant youth may also be declared a status offender and be subject to court orders. W. Va. Code § 18-8-1; (2001) W. Va. Code § 18-8-4 (2001); W. Va. Code § 49-1-4 (2001).

Wisconsin

Compulsory school age is 6-18 years old. A police officer or attendance officer may take a truant youth into custody without a warrant. A habitual truant is a student who is absent from school five or more days in one school year. Wisconsin grants its local governments the power to create ordinances concerning truancy. The ordinances may grant the court power to order a habitual truant to attend school, pay a fine, attend counseling, take part in community service, attend an educational program, or be subject to supervision, house arrest, or a curfew. Wisc. Stat. § 118.16 (2001); Wisc. Stat. § 118.63 (2001); Wisc. Stat. § 938.19 (2001).

Wyoming

Compulsory school age is 7-16 years old. A habitual truant is any student with five or more unexcused absences in one school year. Attendance officers are responsible for monitoring school attendance and counseling students with attendance problems. The district attorney shall be notified of any habitual truant and shall initiate court proceedings in juvenile court. A habitual truant may be declared a child in need of services and may be subject to court orders. Wyo. Stat. § 14-6-402 (2001); Wyo. Stat. § 21-4-101 (2001); Wyo. Stat. § 21-4-102 (2001); Wyo. Stat. § 21-4-104 (2001); Wyo. Stat. § 21-4-107 (2001).

American Samoa

Compulsory school age is 6-18 years old. A truant officer shall investigate cases of truancy. A truant youth may be declared a child in need of supervision and may be subject to court orders. American Samoa Code Annotated § 16.0302; American Samoa Code Annotated § 16.0308; American Samoa Code Annotated § 45.0103.

District of Columbia

Compulsory school age is 5-18 years old. A police officer may take a truant youth into custody and deliver the youth to the truancy center. A habitual truant may be declared a child in need of supervision and be subject to court proceedings. D.C. Code § 38-202 (2001); D.C. Code § 38-203 (2001); D.C. Code § 38-251 (2001); D.C. Code § 16-2301 (2001).

Guam

Compulsory school age is 5-16 years old. An attendance officer may take a truant youth into custody and deliver that

youth to the school or to a guardian. A truant is considered a be a youth found to be absent from school for more than 3 days within any school year without a reasonable excuse from a parent. A habitual truant is a youth that has been reported as a truant three or more times. 17 GPC § 6102; 17 GPC § 6401; 17 GPC § 6402; 17 GPC § 6403; 17 GPC § 6404; 17 GPC § 6407.

Northern Mariana Islands

Compulsory school age is 6-16 years old. 3 CMC § 1141.

Puerto Rico

Compulsory school age is 5-18 years old. The Secretary of Education is responsible for developing policies and procedures concerning school attendance. 3 L.P.R.A. §143b (1999).

Virgin Islands

Compulsory school age is 5-16 years old. When a youth is absent from school without an acceptable excuse, a teacher, principle, attendance officer, school official, or police officer may take the youth into custody until a guardian is summoned and asks for the youth's release. A youth may also be referred to the Department of Social Welfare for Child Welfare Services if they are truant. A truant may be labeled an incorrigible truant and could be referred to the Juvenile and Domestic Relations Division of the Territorial Court. An incorrigible truant is a youth of compulsory school age who willfully, deliberately, and continuously absents himself from school and who fails to respond to services provided by the Departments of Education and Social Welfare. 17 V.I.C. § 82 (2001); 17 V.I.C. § 89 (2001). ♦

STATUS OFFENSES—CURFEWS**Alabama**

No explicit statute.

Alaska

Alaska Stat. § 29.35.085 (2001).

Arizona

A.R.S. §11-251 (2001).

Arkansas

No explicit statute.

California

No explicit statute.

Colorado

C.R.S. 30-15-401 (2001).

Connecticut

No explicit statute.

Delaware

No explicit statute.

Florida

Fla. Stat. § 877.25 (2001).

Georgia

O.C.G.A. §15-11-45 (2001).

Hawaii

HRS § 577-16 (2001).

Idaho

Idaho Code § 20-549 (2001).

Illinois

§720 ILCS 555/1 (2001).

Indiana

Burns Ind. Code Ann. § 31-37-3-4 (2001).

Iowa

No explicit statute.

Kansas

No explicit statute.

Kentucky

No explicit statute.

Louisiana

No explicit statute.

Maine

No explicit statute.

Maryland

Md. Ann. Code art. 25B §13C-1 (2001).

Massachusetts

No explicit statute.

Michigan

MCLS §§ 722.751, 722.752 (2001).

Minnesota

Minn. Stat. § 145A05 (2001).

Mississippi

No explicit statute.

Missouri

No explicit statute.

Montana

Mont. Code Anno., §7-32-2302 (2001).

Nebraska

No explicit statute.

Nevada

No explicit statute.

New Hampshire

RSA 31:43-a (2002).

New Jersey

N.J. Stat. § 40:48-2.52 (2002).

New Mexico

No explicit statute.

New York

No explicit statute.

North Carolina

N.C. Gen. Stat. § 153A-142 (2001).

North Dakota

No explicit statute.

Ohio

ORC Ann. 307.71 (Anderson 2002).

Oklahoma

10 Okla. St. § 7303-1.2 (2002).

Oregon

ORS § 419C.680 (2001).

Pennsylvania

No explicit statute.

Rhode Island

R.I. Gen. Laws §11-9-11 (2001).

South Carolina

No explicit statute.

South Dakota

No explicit statute.

Tennessee

Tenn. Code Ann. § 39-17-1702 (2001).

Texas

Tex. Local Gov't Code § 351.903 (2002).

Utah

No explicit statute.

Vermont

24 V.S.A. § 2151 (2002).

Virginia

Va. Code Ann. § 15.2-926 (2002).

Washington

Rev. Code Wash. (ARCW) § 35A.11.210 (2002).

West Virginia

W. Va. Code § 7-1-12 (2001).

Wisconsin

No explicit statute.

Wyoming

No explicit statute.

American Samoa

No explicit statute.

District of Columbia

D.C. Code §§ 2-1542, 1543 (2001).

Guam

9 GPC § 31.65.

Northern Mariana Islands

1 CMC § 1402.

Puerto Rico

No explicit statute.

Virgin Islands

14 V.I.C. § 481 (2001). ♦

EMANCIPATION

Background

When unaccompanied youth cannot be reunited with parents or guardians, they often must care for themselves. Some young people are able to identify other adults in their lives who are willing to support them, such as relatives, teachers, mentors and adult friends. Other youth who are absent from their guardians live independently, either by choice or because there are no adults available to support them. As minors, young people may be unable legally to obtain housing, buy cars or other essential goods, or engage in other transactions necessary to live independently. They may also be unable to make their own decisions about medical care, education and other personal matters.

These barriers to independence may be overcome through emancipation, the process by which a young person may become a legal adult while he or she is still under the legal age of majority. The consequences of emancipation differ among states, but generally do not permit young people to vote, drive, consume alcohol or enter the armed forces prior to reaching the established minimum age. Emancipation should be approached cautiously, as it can terminate parents' responsibility towards a young person and leave the youth with no legal rights to demand support or care from parents. Nonetheless, emancipation can be extremely important for unaccompanied youth, as it permits them to function as adults in many circumstances, including controlling their finances, entering into contracts, owning property, consenting to medical treatment and marrying.

Furthermore, in cases of extreme family conflict, it can be advantageous for youth to become emancipated from their parents. Emancipation can ensure that financial benefits to which a youth is entitled go directly to a youth who is caring for himself or herself rather than to parents or guardians. It can also permit young people to make their own decisions about issues in their lives that would otherwise be under the control of parents or guardians.

Fast Facts

- ◆ 30 jurisdictions have established processes for emancipation.
- ◆ In 9 of the jurisdictions, parental consent is required for emancipation, but such consent can be waived in 4 of those 9.
- ◆ 20 jurisdictions establish 16 as the minimum age to petition for emancipation: 1 jurisdiction establishes 14 years old as the minimum age to petition for emancipation, 1 jurisdiction establishes 15 years old as the minimum age.

- ◆ 21 jurisdictions recognize emancipation in limited circumstances, but do not set forth a statutory process for becoming emancipated.

Purpose and Findings

Several issues were researched for this analysis, including which jurisdictions provide statutory emancipation processes, the minimum ages and other eligibility criteria for becoming emancipated and the consequences of emancipation.

Thirty jurisdictions provide a process by which young people can become legally emancipated by a court. The most common minimum age to petition for emancipation is 16 years old, with 20 jurisdictions establishing that limit: Alaska, Arkansas, Connecticut, Florida, Illinois, Maine, Michigan, Montana, Nevada, New Mexico, North Carolina, Oregon, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, West Virginia and Virgin Islands. California permits youth as young as 14 years old to petition for emancipation, Louisiana has set 15 years old as its minimum age. Five jurisdictions do not specify any minimum age: Indiana, Kansas, Mississippi, Oklahoma and Tennessee.

Nine jurisdictions specifically require parental consent for emancipation. Three of those jurisdictions require parental consent by prohibiting emancipation unless youth are living on their own with the consent of parents: California, South Dakota and Wyoming. The remaining six jurisdictions require parental consent as part of the court process for granting emancipation: Alaska, Illinois, Louisiana, Michigan, Puerto Rico and Virgin Islands. However, four of those six jurisdictions allow courts to waive the consent requirement: Alaska, Louisiana, Puerto Rico and Virgin Islands. For example, courts in Alaska do not need parental consent to grant emancipation if such consent is difficult to obtain. Courts in Louisiana can waive consent if the parents have treated the young person roughly or had a negative influence on the youth.

Common requirements for emancipation include attaining a minimum age, living apart from parents, managing oneself and being able to support oneself financially.

Some jurisdictions permit youth to become emancipated without a court proceeding if they and their parents agree. For example, in Puerto Rico, a parent and youth can agree to emancipation and complete the process by signing a notarized declaration. In Louisiana, a youth age 15 or over and his or her parents can complete emancipation by signing a notarized declaration in front of two witnesses.

Twenty-one jurisdictions recognize emancipation in limited circumstances, including minors who marry or join the armed forces, but do not set forth a statutory process for becoming

emancipated. Some of the jurisdictions that provide a statutory process for becoming emancipated also recognize emancipation upon marriage or military service.

Analysis

The availability of an emancipation process is essential for youth who need or desire to live independently. It is encouraging that a majority of jurisdictions have recognized this need. The remaining jurisdictions should also establish emancipation procedures. Youth should be able to initiate the procedures independently and should not have to obtain parental consent. In some cases, neglectful or abusive parents may withhold consent to punish their children. The law should not permit such a harmful outcome.

Emancipation procedures should permit courts the maximum flexibility to grant emancipation according to the best interest of the youth. Young people develop independent living skills at different ages, and as such, emancipation statutes should not limit courts by establishing minimum age limits. Courts should also have the flexibility to determine the purposes for which a young person will be considered an adult. Such purposes should include controlling their income, consenting to medical care, living independently, entering into contracts and purchasing property. Young people should be aware that emancipation may permit courts to treat them as adults for criminal purposes as well, as it explicitly does in Wyoming.

Emancipation without court involvement could be very attractive to young people whose parents consent to emancipation, as it would likely be faster, easier and less costly than judicial emancipation. However, it may be possible for a parent to abuse the process by coercing a youth to agree to emancipation.

Noteworthy Statutes

Indiana's law contains some admirable provisions. It does not establish a minimum age for emancipation and does not require parental consent. Youth must state that they wish to be independent and show that they can support themselves. They must also show that they have acceptable living arrangements and understand the consequences of emancipation. This statute protects a young person's right to become legally independent, but also requires the court to ensure the youth understands what emancipation means and has a safe place to live. Emancipated youth in Indiana have the right to enter contracts, marry, own property and consent to medical care. See Ind. Code Ann. §31-34-20-6 (2002).

The law in the Virgin Islands maintains certain legal protections for young people even after they are emancipated.

Emancipated minors cannot enter any contract that would obligate them to pay a sum greater than their annual income, appear in a lawsuit without a guardian ad litem or sell real property without the court's approval. Jurisdictions may consider whether the benefits of maintaining such protections for young people outweigh the limitations on the youth. See V.I. 16, Ch. 9, §§ 211, 231, 232, 233, 241, 251, 253, 254.

Recommendations

- ◆ Establish emancipation procedures in all jurisdictions.
- ◆ Permit young people to initiate the emancipation process.
- ◆ Repeal and reject parental consent as a condition for emancipation.
- ◆ Repeal and reject minimum ages for emancipation.
- ◆ Permit courts to establish the purposes for which young people are emancipated.
- ◆ Establish procedures for parents and youth to agree to emancipation without court involvement. Such procedures should contain safeguards for youth.

Research Methodology and Limitations

To compile statutes regarding emancipation, our search used the following terms: Emancipation, Age of Majority, Minority, Removal of Disabilities and Nonage.

In our statute summaries, we omitted or changed some wording for focus and ease of reading. For example, in some cases we replaced the language "parent or guardian" with "guardian." Also, we often used the term "emancipation" interchangeably with other phrases, including "removal of the disabilities of minority" and "removal of the disabilities of nonage."

Our summaries describe those statutes that specify the process for a minor to become emancipated. If a jurisdiction did not have an explicit emancipation statute, we retrieved any definitions of an emancipated minor that were available in the code, even if they were from very issue-specific statutes.

In several jurisdictions, a parent or guardian may petition for the minor's emancipation independent of the minor wanting to petition on his/her own. We did not include these provisions in our summary, nor did we record some provisions common to many emancipation statutes. For example, in most jurisdictions, emancipation will not alter a minor's status concerning certain constitutional or statutory laws. Most jurisdictions will not let an emancipated minor buy alcohol until the age of 21 or vote until age 18. ◆

EMANCIPATION

Alabama

A minor 18 years of age or older may petition for emancipation in the county in which the minor's guardian resides or in which the minor's guardianship is pending. Notice of the petition will be published in a newspaper or other publication. While the court may restrict which disabilities of nonage are given to the minor, if granted completely, the minor will have the rights, including the right to contract and buy and sell property, of someone 19 years of age and older. Code of Ala. §§ 26-13-1 to 26-13-8 (2001).

Alaska

A minor who is a resident of the state and is at least 16 years of age, living separate and apart from the guardian, capable of sustained self-support and of managing his/her financial affairs may petition the superior court to have the disabilities of minority removed for limited or general purposes. In the petition, the minor must show several things, including the reason why the removal of disabilities would be in the best interest of the minor and the purpose that such removal is sought. In addition, the person seeking the removal of disabilities, whether it be the minor or a guardian, must obtain the consent of each living parent or guardian that has control of the person or property of the minor. However, the court may waive this requirement if consent is difficult to obtain. If the removal of disability is granted, the minor will have the power and capacity of an adult. Alaska Stat. § 09.55.590 (2001).

Arizona

There is no general statute relating to the process of emancipation, but the state has several statutes recognizing the definition of emancipation. Under a statute dealing with assistance available to unwed minors an emancipated person means "a person who, under the laws of this state, is neither under a legal duty of service to a parent or parents, other adult relative or legal guardian nor entitled to the support of a parent or parents, other adult relative or legal guardian." A.R.S. § 46-296 (2001). Other statutes dealing with unwed minors and education tuition define emancipation in similar terms. See A.R.S. § 46-354, § 15-1801 (2001). Finally, another statute relating to marital and domestic relations states that a child is emancipated if: married, 18 years of age, adopted, dead, or support that had been extended past the age of majority has been terminated. A.R.S. § 25-503 (2001).

Arkansas

A minor may petition for the removal of the disabilities of minority in the circuit court in the county in which he/she resides. The minor must have reached his/her 16th birthday. Notice of the petition must be given to the parents of the minor. With the removal of disability, the minor shall be able to transact business with the same manner and effect as a person who is of the age of majority. A.C.A. § 9-26-104 (2001).

California

Any person under the age of 18 can become emancipated if the person has entered into a valid marriage or the person is on active duty with the armed forces of the United States. If those conditions are not met, a minor may still petition the superior court of the county in which the minor resides or is temporarily domiciled for a declaration of emancipation if the minor can show that the minor is at least 14 years of age, willingly lives separate and apart from guardian with the consent or acquiescence of the guardian, and managing his or her own financial affairs. Notice of the petition of emancipation shall be given to the guardian of the minor unless the court decides that notice should not be given. The minor or the guardian may appeal a decision regarding emancipation if they are not pleased with the court's decision. Emancipation may also be voided or rescinded. Once granted emancipation, the minor shall be considered an adult for many purposes including: control of income, consent to treatment, capacity to contract, establishment of residence. Cal Fam Code §§ 7002, 7122, 7120, 7050, 7051, 7111, 7121, 7123, 7130, 7131, 7132, 7133, 7135 (2001).

Colorado

There is no specific statute that addresses the emancipation process, but the state recognizes many definitions of emancipated minor. Under the Children's Code, an emancipated juvenile is a juvenile over 15 and under 18 who has the consent of a guardian and has become independent from the guardian in regards to care, custody, and earnings. A minor who has been responsible for his/her own support, married, or served in the military can also be considered emancipated. C.R.S. 19-1-103 (2001). Under a statute about the classification for student tuition purposes, the definition of emancipated minor is "a minor whose parents have entirely surrendered the right to the care, custody, and earnings of such minor, no longer are under any duty to support or maintain such a minor, and have made no provision for the support of such minor." C.R.S. 23-7-102 (2001). As relating to domestic abuse,

the definition of an emancipated minor is “an individual under 18 years of age who is married and living away from his parents or guardian.” C.R.S. 14-4-101. Under a statute relating to the civil damages for loss caused by theft, an emancipated minor means “an individual under the age of 18 years whose parents or guardian have surrendered parental responsibilities or custody, the right to the care, and earnings of such individual and are no longer under a duty to support or maintain such individual.” C.R.S. 13-21-107.5 (2001). The minimum wage statute states that an emancipated minor can be any of the following: a minor who has the sole or primary responsibility for his or her support, a minor who has married or who is living away from a guardian, and a minor who has gainful employment. C.R.S. 8-6-108.5 (2001).

Connecticut

Any minor who has reached the age of 16 and is residing in the state may petition the superior court for juvenile matters or the probate court for the district court where the minor or guardian resides for emancipation. Notice shall be served upon the guardian. If the court finds that the minor is married, a member of the armed forces, or finds from the petition that the minor willingly lives separate from his/her guardian and is capable of self support then the court can grant emancipation. If granted emancipation, the minor will have, among other things, the right to contract, consent to medical treatment, and buy and sell property. Conn. Gen. Stat. §§ 46b-150d, 46b-150b (2001). 2001 Ct. ALS 195.

Delaware

There is no general statute that addresses the process of emancipation, but the state does recognize a definition in other statutes. This definition from a statute relating to abortion states that an “emancipated minor means any minor female who is or has been married or has, by court order or otherwise, been freed from the care, custody and control of her parents or any other legal guardian.” 24 Del. C. § 1782 (2001).

Florida

A minor 16 years and older may have a natural or legal guardian petition any circuit court to remove the minor’s disabilities of nonage. In the petition, information about the minor must be given, including reasons why the court should remove the disabilities. If the parents do not file the petition, notice of the petition for emancipation must be given to them. If the Court grants the petition, the minor shall have all of the rights of someone 18 years of age and older. Fla. Stat. § 743.015 (2001).

Georgia

No specific statute on emancipation was found, but it does appear that the state recognizes emancipation in some areas.

Hawaii

There is no general statute speaking to the process of emancipation of all minors. However, the state does recognize that minors who marry shall become emancipated. It also appears that the state recognizes a definition for emancipation in another statute, as well. This definition from the Uniform Health-Care Decisions Act states that an “emancipated minor means a person under 18 years of age who is totally self-supporting.” HRS § 577-25 and HRS § 327E-2 (2001).

Idaho

There is no general statute that addresses the process of emancipation, but the state does recognize two definitions in other statutes. The first definition from the probate code states that an “emancipated minor shall mean any male or female who has been married.” Idaho Code § 15-1-201 (2002). The second definition from a statute addressing the treatment and care of the developmentally disabled states that an “emancipated minor means an individual between 14 and 18 years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced.” Idaho Code § 66-402 (2002).

Illinois

A minor may petition for emancipation. The petition must state, among other things, the reason that the minor wishes to become emancipated and show that the minor has become at least partially independent from the guardian. If the court finds that the minor is a mature minor and that it is in the best interests of the minor to become emancipated, emancipation may be granted. A minor is considered mature if 16 years of age or older and capable of self-support. However, emancipation cannot be entered if there is an objection to it by the minor or the guardian. Notice of the petition must be given to the guardian. If granted emancipation, the minor shall have certain rights such as the ability to contract. 750 ILCS 30/1 to 30/11 (2001).

Indiana

A child may become emancipated if the court finds that the child wishes to be freed from and no longer needs parental protection, is capable of self-support, understands

the consequences of emancipation, and has acceptable living arrangements. The child may be partially or completely emancipated. If emancipated, the child will have, among other things, the right to contract, marry, own property, and receive medical treatment. Burns Ind Code Ann. § 31-34-20-6 (2002).

Iowa

No general statute referring to the process of emancipation of minors was found, but the state does recognize definitions of emancipated minors in some statutes. One definition, from a statute regarding the support of the poor, states “an emancipated minor is one who is absent from the minor’s parents with the consent of the parents, is self-supporting, and has assumed a new relationship inconsistent with being a part of the family of the parents.” Iowa Code § 252.16 (2002). Another statute, relating to the personal assistance services program, states that an “emancipated minor means a person under 18 years of age who is married or who is living separate and apart from the person’s parent, regardless of the duration of the separate residence, and is managing the person’s own financial affairs regardless of the source or extent of the person’s income.” Iowa Code § 225C.46 (2002).

Kansas

A person is a minor until 18 years of age except that a person 16 years of age or older that marries shall be considered to be the age of majority for matters relating to contracts, property rights, and the capacity to sue and be sued. Any other minor, by his or her next friend, may petition the district court of the county in which the minor resides for emancipation. The age of the minor; a statement that the minor has been a resident of the county for at least a year; and the cause for which the minor seeks to gain the rights of majority must be stated. Notice of the petition shall be posted in a publication. If granted, the minor is given adult rights including the right to contact. K.S.A. §§ 38-101, 38-108, 38-109 (2001).

Kentucky

No statute speaking generally about the emancipation process was found, but it does appear that the state recognizes a definition of emancipation in other statutes. This definition, from a statute relating to medical emergencies, states that an “emancipated minor means any minor who is or has been married or has by court order or otherwise been freed from the care, custody, and control of her parents.” KRS § 311.732 (2001).

Louisiana

The state recognizes three types of emancipation: emancipation conferring the power of administration, emancipation by marriage, and emancipation relieving the minor from the amount of time stated by law for attaining the age of majority. A minor may become emancipated by a guardian when the minor reaches the age of 15; the declaration of emancipation must take place with the guardians of the minor, a notary public, and two witnesses. A petition for emancipation may also be filed in which the minor must file the petition in his/her parish of residence and state why emancipation is desired. The petition must be accompanied by parental consent unless the parent has treated the minor roughly or has had a negative influence on the minor. If granted emancipation, the minor shall have rights of a person who has reached the age of majority. La. C.C. Art. 365, 366, 368, 379, 385 (2002). Also, La. C.C.P. Art. 3991 to 3994 (2002).

Maine

A juvenile age 16 or older who refuses to live with his/her guardian may petition for emancipation. The juvenile may petition the district court in the division that he/she or the guardian resides. The court will notify the parent of the petition and hearing. The court can order emancipation if the juvenile is found to be mature and capable of self-support. 15 M.R.S. § 3506-A (2001).

Maryland

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes.

Massachusetts

There is no general statute that addresses the process of emancipation.

Michigan

A minor may be declared emancipated if married, over 18 years of age, in active duty with the armed forces of the United States, or the minor petitions for emancipation. To petition for emancipation the minor must file the petition in the family division of the circuit court in the county where the minor lives. The petition must show that the minor is capable of financial and social self-support, and it must include an affidavit by an individual (e.g. nurse, doctor, school teacher) stating that emancipation would be in the best interest of the

minor. Notice of the petition shall be given to the minor's guardian. If the court finds that the minor is age 16 or older, a resident of the state, is capable of self-support, and has the permission of a guardian that had been providing the minor support, the court may emancipate the minor. If emancipated, the minor can, among other things, contract, marry, establish a residence, and obtain medical treatment. MCLS §§ 722.4, 722.4a, 722.4b, 722.4c, 722.4e (2000).

Minnesota

There is no general statute that addresses the process of emancipation, but the state does seem to recognize emancipation in other statutes.

Mississippi

A minor may apply for the removal from the disabilities of minority. The minor may petition for emancipation by having his next friend apply in writing. In the petition, the reasons that the minor seeks emancipation must be stated. During the petition process, the parents or guardians of the minor shall be joined as defendants in certain situations. The disabilities of minority may be removed partially or in general. If removed in general, the minor will have, among other things, the power to contract and sue or be sued. If removed partially, the court shall state what rights the minor is to have. Miss.Code Ann. §93-19-1 to §93-19-9 (2001). Other definitions of emancipation are included in separate sections.

Missouri

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes.

Montana

A minor who is 16 years of age or older may petition for limited emancipation. The court can grant limited emancipation if it is in the minor's best interests, the minor is aware of the consequences of emancipation, the minor is capable of self-support, and the minor wants to become emancipated. If granted emancipation, the court will specifically state what rights the minor has obtained. These rights could include the capacity to contract, obtain medical treatment, and the right to live independently. The court may also revoke emancipation under certain circumstances. Mont. Code Anno. § 41-1-501 (2001).

Nebraska

There is no specific emancipation statute, but the state does seem to recognize the right to become emancipated and have the disabilities of minority removed. For example, if a youth leaves home with parental consent, takes his or her belonging and supports himself or herself, the youth is considered emancipated. Also, any person who is under the age of 19 and married has ended his/her minority. R.R.S. Neb. § 43-2101 (2001).

Nevada

Any minor who is at least 16 years of age, married or living apart from his parent or legal guardian, and who is a resident of the county, may petition the juvenile division or family division of the district court of that county for a decree of emancipation. In the petition, the minor must show several things including: facts about her minor's education, employment, and time apart from the minor's guardian. The minor must also show that he/she lives apart from the guardian and is managing his/her own financial affairs. In the court proceedings, notice of the petition will be given to the guardian. If the minor is granted emancipation, the minor will be removed from the disabilities of minority and may, among other things, contract, receive treatment without parental consent, and establish a residence. The decree of emancipation may be voided by petition. Nev. Rev. Stat. Ann. §§ 129.080, 129.090, 129.100, 129.110, 129.120, 129.130, 129.140 (2001).

New Hampshire

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes.

New Jersey

There is no general statute that addresses the process of emancipation, but the state does appear to recognize emancipation in other statutes.

New Mexico

An emancipated minor is any person 16 years of age or older who has validly married or is on active duty with the armed forces of the United States. A minor may also become emancipated for one or more purposes if the minor is age 16 or older, willingly living separate and part from his/her

guardian, managing his/her own financial affairs, and the court finds that emancipation is in the minor's best interest. The minor may petition the children's court of the district in which he/she resides. Notice will also be given to the guardian of the minor. The grant or denial of the declaration of emancipation may be appealed. If emancipated, the minor will receive many adult rights including: the capacity to contract, the right to establish a residence, and the right to buy or sell property. N.M. Stat. Ann §§ 32A-21-1 to 32A-21-7 (2001).

New York

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes.

North Carolina

A juvenile who is 16 years of age or older may petition a court in the county in which he/she resides for emancipation. Some of the things that the court considers are the parental need for the juvenile's earnings, the juvenile's ability to support himself/herself, the stability of the juvenile's living arrangements, and parental supervision and support. If the court grants emancipation, the juvenile has the same ability as an adult in areas such as contracts and business. A juvenile may also become emancipated upon marriage. The decree of emancipation is irrevocable. N.C. Gen. Stat. § 7B-3500, § 7B-3504, § 7B-3505, § 7B-3507, § 7B-3509 (2001).

North Dakota

There is no general statute that addresses the process of emancipation, but the state does appear to recognize emancipation in other statutes.

Ohio

There is no general statute that addresses the process of emancipation, but the state does appear to recognize emancipation in other statutes.

Oklahoma

The right to contract and conduct business can be granted to a minor by the district courts when the courts confer the right of majority upon the minor. A minor wanting to obtain the rights of majority may have his next friend file a petition in the district court. Notice shall be given to the guardian of the minor and sent to be published. 10 Okl. St. §§ 91, 92, 93. (2002).

Oregon

A minor may petition for emancipation in the juvenile court where the minor is domiciled. The court may decree emancipation if the court finds that the minor is age 16 or older, wants to be emancipated, has been living away from home, and is mature and capable of self-support. Notice of the petition will be given to the parent. If emancipated, the minor shall be considered an adult for such things as contracting, establishing a residence, and adjudication. ORS §§ 419B-550 to 419B-558 (2001).

Pennsylvania

A minor age 16 or over may become emancipated if the minor has a sufficient ability to make a bargain. 16 P.S. § 2175 (2001).

Rhode Island

There is no general statute that addresses the process of emancipation.

South Carolina

There is no general statute addressing the requirements for emancipation, but the state does recognize the definition of an emancipated minor in some statutes. In the first definition from a statute relating to acts of wrongful conduct, an "emancipated minor means a person over the age of 16 . . . and who was no longer a dependent of or in the custody of a parent or legal guardian." S.C. Code Ann. § 15-75-40 (2001). The second definition, from a statute relating to tuition and fees, states that "an emancipated minor shall mean a minor whose parent have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor." S.C. Code Ann. § 59-112-10 (2001). The third definition relating to abortion states that an "emancipated minor means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents." S.C. Code Ann. § 44-41-10 (2001).

South Dakota

A minor may be emancipated if the minor marries, serves on active duty with armed forces of the United States, establishes an express agreement with his/her parents about emancipation, or petitions for emancipation. To petition for emancipation, the minor must be at least 16 years of age, willingly live separately from his/her parents with their consent,

and be capable of managing financial affairs. The court will give notice of the petition to the parents as it deems necessary. If emancipated, the minor will be considered to be over the age of majority for the purposes of, among other things, contracting, obtaining medical treatment, buying or selling property, and establishing a residence. S.D. Codified Law §§ 25-5-24, 25-5-25, 25-5-26, 25-5-27, 25-5-19 (2001).

Tennessee

The minor may have a next friend petition for the removal of the disabilities of minority in the chancery court in the county the minor resides. In the petition, among other things, the reasons why the minor wishes the removal of disabilities must be stated. The court may grant partial or general emancipation. If general emancipation is granted, the minor will have all of the rights of an 18 year old, including the right to contract and buy and sell property. See Tenn Code Ann. §§ 29-31-101 to 29-31-105 (2001).

Texas

A minor may petition to become emancipated in the court in the county where the minor resides. The petition, among other things, must include the reasons why emancipation would be in the best interests of the minor and why emancipation is requested. In order to have the disabilities of minority removed for limited or general purposes, the minor must be a resident of the state, 17 years of age or at least 16 years of age living separately from a guardian, self-supporting and managing his/her financial affairs. Once emancipated, a minor shall have the rights of an adult, including the right to contract. Tex. Fam. Codes § 31.001 to 31.007 (2002).

Utah

No specific statute regarding emancipation was found, but it does seem that the state recognizes emancipation in certain situations.

Vermont

A minor may be emancipated if the minor marries, serves on active duty with the armed services of the United States, or petitions to become emancipated. The minor may petition a probate court in the district in which the minor resides. The petition must state, among other things, the reasons why the minor wishes to become emancipated. The minor must also be able to show that he/she is age 16 or older, living independently from a guardian, and capable of self-support. Notice

shall be given to the parents. If granted emancipation the minor shall have the rights of an adult, including the right to contract, buy or sell property, and establish a residence. 12 V.S.A §§ 7151 to 7159 (2001).

Virginia

A minor 16 years and older may petition for emancipation in the juvenile or domestic relations district court for the county or city in which the minor or his guardian resides. The court may find the minor emancipated if the minor is married, a member of the armed forces of the United States, or the minor is willingly living separate from his/her guardian and capable of self-support. If emancipated, the minor shall be given many rights including the right to contract, buy or sell property, and obtain medical treatment. Va. Code Ann. §§ 16.1-331 to 16.1-335 (2001).

Washington

A minor age 16 or older who is the resident of the state may petition a superior court for emancipation. The petition must include, among other things, a declaration by the minor that he/she is capable of self-support. Notice shall be given to the parent/guardian of the petition. If granted emancipation, the minor shall be given the rights of an adult for several purposes, including the right to contract, the right to establish a residence, and the right to obtain medical treatment. Rev. Code Wash. (ARCW) §§ 13.64.010 to 13.64.900 (2002).

West Virginia

A minor may become emancipated if the minor is 16 and marries or petitions for emancipation. The minor must show that he/she is capable of self-support. The parent/guardian will be given notice of the petition. If granted emancipation, the minor shall have the rights on an adult, including the right to contract. W.Va. Code § 49-7-27 (2001).

Wisconsin

There is no general statute that addresses the process of emancipation, but the district does recognize that emancipation will occur upon marriage or the minor living separately from his/her parents. Wis. Stat. § 880.04 (2001).

Wyoming

A minor may become emancipated if married, in the armed forces of the United States, or when a decree of emancipation is granted through a petition process. The petition for

emancipation must, among other things, include the following information: the minor must show that he/she is at least 17 years of age, that he/she willingly lives apart from a guardian and that the guardian consents to this, and that he/she is capable of self-support. The parent will be notified of the petition. If a district court grants emancipation, the minor will have certain rights, including the right to contract, buy and sell property, and establish a residence. The minor will also be recognized as an adult for criminal purposes. Wyo. Stat. § 14-1-201 to 14-1-2-6 (2001).

America Samoa

No information on emancipation was found.

District of Columbia

There is no general statute that addresses the process of emancipation, but the district does recognize a definition in other statutes. This definition, relating to consumer rights, states that an “emancipated minor means any minor who is living separate and apart from his or her parent(s) or legal guardian, with or without the consent of the parent(s) or legal guardian and regardless of the duration of such separate residence, and who is managing his or her own personal and financial affairs, regardless of the source or extend of the minor’s income.” D.C. Code § 7-1231.02 (2001).

Guam

No information on emancipation was found.

Northern Mariana Islands

No information on emancipation was found.

Puerto Rico

A minor may be emancipated when the minor’s parents consent to emancipation, the minor marries, the court grants emancipation, or the minor achieves the age of 21. Minors under the age of 21 may petition for emancipation. If granted emancipation, the minor will be able to govern himself/herself and his/her property. 31 L.P.R.A. §§ 901, 911, 912, 913, 915, 931, 951, 971.

Virgin Islands

In the Virgin Islands, a minor may become emancipated when the minor marries, reaches the age of majority, petitions for emancipation, or petitions for emancipation to administer property. If the minor has reached the age of 16, the minor may be emancipated with the permission of a guardian for the purposes of administering property. In order for a minor to be judicially emancipated by the district court, the minor must be 18 or older, want emancipation, and be capable of self-support. The minor shall be given the rights of majority over his/her property and person, but the minor will not be allowed to contract for more than he/she makes in a year until reaching the age of majority. An emancipated minor also cannot sell property without the permission of the court or appear in court with the appearance of a guardian. V.I. 16, Ch. 9, § 211, 231, 232, 233, 241, 251, 253, 254. ♦

RIGHTS OF YOUTH TO ENTER INTO CONTRACTS

Background

Generally, when a minor (a person under a certain age as established by a jurisdiction) enters into a contract, the contract is not legally binding. In other words, the law protects the young person by permitting him or her to break the contract without consequences. While this protection is sometimes beneficial to young people, it may also make merchants, companies and other parties unwilling to enter into a contract with a youth. Therefore, the law may prevent young people from being able to obtain certain goods, property and services they need or desire.

Some unaccompanied youth are financially able to rent apartments, buy cars, or enter into other contracts. Many such contracts will be for shelter, transportation or other items that are necessary for the youth to live independently. While they remain legally minors, unaccompanied youth who live independently may be unable to enter into these contracts.

Some jurisdictions have enacted laws that permit minors to enter into legally binding contracts in certain circumstances.

Fast Facts

- ◆ 13 jurisdictions do not give minors any contract rights in their statutes.
- ◆ 26 jurisdictions give minors only limited rights to obtain insurance.
 - 17 jurisdictions permit minors to enter into binding contracts for certain purposes.
 - 16 of these jurisdictions have statutes that permit minors to enter into binding contracts for “necessities” or “necessaries.”
 - 1 of these jurisdictions has a statute that expressly provides a wide variety of binding contracts allowable for a minor.
 - 3 of these jurisdictions have statutes that permit minors to enter into binding contracts for educational loans.
 - 4 of these jurisdictions have statutes that specifically permit minors to enter into binding contracts for real property.
 - 1 of these jurisdictions has a statute that permits minors to enter into binding contracts for business purposes.

Purpose and Findings

Two contracts issues were researched for this analysis: whether the statutes permit minors to enter into contracts; and if so, for what purposes.

Thirteen jurisdictions do not give minors any statutory contract rights: Alabama, Kentucky, Maryland, Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Tennessee, Wisconsin, American Samoa, Northern Mariana Islands and Puerto Rico.

Twenty-six jurisdictions have statutes giving a minor only the limited right to contract for insurance over life, property, health, body, the lives of others, and/or other insurable interests.

Only seventeen jurisdictions have passed statutes that permit minors to enter into binding contracts for other purposes. Sixteen of those seventeen jurisdictions permit minors to enter into binding contracts for “necessities” or “necessaries:” Arkansas, California, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Guam. In addition, Missouri law specifies a number of binding contracts allowable for minors, which would include most categories considered to be necessities.

Arkansas, Missouri and Montana have statutes allowing minors to form binding contracts for educational loans. The statutes of Arkansas, Maine, Missouri and Oregon also bind minors to contracts for real property. Louisiana law permits minors to enter into binding contracts for business purposes.

Analysis

It is troubling that only seventeen jurisdictions have passed laws that permit unaccompanied young people to enter into binding contracts for necessities. In the remaining 39 jurisdictions, minors who are on their own may be unable to rent apartments, buy cars to transport themselves to school or work or enter into other contracts essential for independent living. Although they may be otherwise capable of caring for themselves, this inability to engage financially with society may prevent them from surviving on their own.

Four of the 17 jurisdictions that permit minors to enter certain binding contracts specifically permit contracts for real property. It is unclear if the remaining 13 jurisdictions would consider real property to be a “necessity” covered by their statutes. Many youth who are on their own need to rent apartments or purchase property because they either have no other housing alternative or they desire to live independently. All jurisdictions should provide unaccompanied minor youth with the right to enter into binding contracts for real property.

Finally, only three jurisdictions allow minors to enter into binding student loan contracts. For many young people, higher education is impossible without the assistance of student loans. Minors who are academically prepared to enter college or trade schools may be forced to wait until they become legal adults before they can obtain the funding for school. This delay can affect students' income, school and work opportunities, as well as their motivation. Educational loans should be available to young people who need them.

Noteworthy Statutes

Missouri and Oregon both have impressive contract statutes. Missouri law specifies a wide variety of important contracts that minors can enter, including housing, employment, automobiles, student loans, admission to schools, medical care, bank accounts and admission to domestic violence and homeless shelters. These categories recognize the goods and services unaccompanied youth may need and give youth a means to obtain them.

Both Missouri and Oregon establish certain eligibility criteria for entering into binding contracts. For example, Missouri law permits binding contracts only for minors who satisfy the following criteria: 16 or 17 years old; homeless or survivors of domestic violence; self-supporting; and living independently of parents with the parents' consent. By limiting the circumstances under which minors can enter binding contracts, this statute continues to protect other young people from burdensome contract liability, while permitting young people who are truly on their own to engage financially with society as adults. Because many unaccompanied youth have been forced by neglect, abuse or family dysfunction to leave home without parental consent, it is unfortunate that the statute requires parental consent. See § 431.056 R.S.Mo. (2001).

Oregon's law also establishes certain eligibility criteria for entering binding contracts, specifically permits contracts for residential living units, and expressly does not require parental consent. Oregon's statute could be improved by permitting minors to enter binding contracts for other necessities, including employment, cars, educational loans and medical care. The statute, including the state legislature's statement of purpose, is reprinted below:

"Right to contract for dwelling unit and utilities without parental consent.

- (1) The Legislative Assembly finds that there are in the State of Oregon unemancipated minors who are living apart from their parents and are homeless. Many of these minors are able financially to provide housing and

utility services for themselves and their children, but cannot contract for these necessities due to perceived legal limitations affecting contracts with minors. The purpose of this legislation is to address those limitations.

- (2) For purposes of this section, "minor" means an unemancipated and unmarried person who is living apart from the person's parent, parents or legal guardian, and who is either:
 - (a) Sixteen or 17 years of age;
 - (b) Under 16 years of age and the parent of a child or children who are living in the physical custody of the person; or
 - (c) Under 16 years of age, pregnant and expecting the birth of a child who will be living in the physical custody of the person.
- (3) Notwithstanding any other provision of law, a minor may contract for the necessities of a residential dwelling unit and for utility services to that unit. Such a contract is binding upon the minor and cannot be voided or disaffirmed by the minor based upon the minor's age or status as a minor.
- (4) The consent of the parent or legal guardian of such minor shall not be necessary to contract for a residential dwelling unit or utility services to that unit. The parent or legal guardian of such minor shall not be liable under a contract by that minor for a residential dwelling unit or for utility services to that unit unless the parent or guardian is a party to the minor's contract, or enters another contract, for the purpose of acting as guarantor of the minor's debt." ORS § 109.697 (2001)

Recommendations

- ◆ Enact laws permitting minors to contract for necessities, including real property, employment, educational loans, admission to school, medical/mental health care and treatment, bank accounts and admission to shelter, housing and supportive service programs.
- ◆ Establish eligibility criteria for entering into binding contracts that will permit such contracts for unaccompanied youth but protect other young people from contract liability.

Research Methodology and Limitations

To compile state and territorial statutes regarding the right of minors to enter into binding contracts, our search used the following terms: Contract, Right to Contract, Capacity,

Removal of Disabilities, Necessaries, Necessities, Nonage, Emancipation, Age of Majority and Minority.

We researched the statutory ability of minors to enter into contracts for personal and real property, as well as minors' rights to obtain insurance. Minors in some jurisdictions may also be permitted to enter into binding contracts by court cases,

policies or practices not reflected in the statutes. We included basic information about insurance in the research summaries. However, this aspect of contract law was not our main focus, as we were more interested in determining whether minors could contract for goods and property they need to live independently, such as cars, apartments and homes. ♦

RIGHTS OF YOUTH TO ENTER INTO CONTRACTS

Alabama

No specific statute regarding a minor's capacity to contract was found in Alabama.

Alaska

No specific statute regarding a minor's capacity to contract was found in Alaska. However, any person of competent legal capacity may contract for insurance. Alaska Stat. § 21.42.082 (2001).

Arizona

Any minor over 15 years of age may contract for his/her own life or disability insurance. The minor may not disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not be required to pay any premium on the insurance contract. A.R.S. § 20-1106 (2001).

Arkansas

Any person over 18 years of age may contract to sell property. However, the contract may not be rescinded by person unless full restitution is made. Any person over the age of 18 years may also hold title to real and personal property. In Arkansas, these laws give 18 years olds the same rights as someone over the age of 21. Furthermore, if a minor borrows money from a bank for educational loans or for necessities, the minor may not disaffirm the contract. As relating to property and mortgages and liens, a minor over 15 years of age may not disaffirm the contract. A.C.A. §§ 9-26-101, 9-26-103, 23-47-509, 18-42-102 (2001).

California

A minor may contract as an adult in any situation except for the following: giving delegation of power, contracting for real property, and contracting for personal property not in the immediate possession of the minor. A contract may be disaffirmed by a minor, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. Cal Fam Code §§ 6700, 6701, 6710, 6711, 6712 (2001).

Colorado

A minor over 16 years of age may contract for insurance upon the minor's own property or liability. The minor will not

be allowed to disaffirm the contract for insurance. C.R.S. 10-4-104 (2001)

Connecticut

Any minor over 15 years of age may contract for life, health, and accident insurance. Conn. Gen. Stat. § 38a-284 (2001).

Delaware

Any minor 15 years of age or older, with a guardian's consent or with emancipation, may contract for life, body, health, property, or liability insurance. The minor may also contract insurance upon other people in whom the minor has an insurable interest. However, the minor may not disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium or annuity. 18 Del. C. § 2707 (2001).

Florida

A minor over 15 years of age will be able to contract for annuities and for life, health, property, body, and liability insurance. The minor may contract for insurance on any person in whom the minor has an insurable interest. The minor may also contract for insurance on other objects in which the minor has an insurable interest. The minor will not be allowed to disaffirm the contract for insurance, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract or annuity. Fla. Stat. § 627.406 (2001).

Georgia

A minor may disaffirm a contract. However, if a minor has contracted for property or some other valuable consideration, and the minor continues to enjoy the property and receive benefit for the consideration after reaching the age of majority, the minor will not be allowed to disaffirm the contract. A minor also will not be able to disaffirm a contract for necessities. A minor over 15 years of age will be able to contract for annuities, endowments & life, health, accident, and sickness insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may also contract for insurance on other objects in which the minor has an insurable interest. The minor will not be allowed to disaffirm the contract for insurance, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract. O.C.G.A. § 1-2-8, § 33-24-5 (2001).

Hawaii

A minor over the age of 15 years may contract for life or disability insurance. Unless the minor has paid all of the premiums on the insurance up until the 18th birthday, the parents of the minor may use the insurance policy for their own use. HRS § 431:10-203 (2001).

Idaho

The statute does not recognize that a minor is capable of contracting, but it does say that if a contract is made while a person is a minor the contract may be disaffirmed before majority or within a reasonable time afterwards. However, the state will not let a minor disaffirm a contract if the contract was for necessities for the minor's support or his/her family's support, nor will the state let a minor disaffirm a contract that was entered under the express authority of a statute. The state does recognize a minor's right to enter into a contract for insurance upon the minor's body, health, property, liabilities, or upon a person in which the minor has an insurable interest. If the minor enters into a contract for insurance, the minor will not be allowed to disaffirm the contract, but an unemancipated minor will not be required, because of an unperformed agreement, to pay on any premium or annuity. Idaho statute also states that any person may have an interest in real or personal property, so it can be inferred that a minor may do so as well. Idaho Code §§ 29-101, 55-103, 41-807, 32-103, 32-104, 32-105 (2002).

Illinois

A minor 15 years of age and older will also be able to contract for life, health, and accident insurance. The minor will not be allowed to disaffirm the contract for insurance because of minority. 810 IISC 5/3-305, 215 ILCS 5/242 (2001).

Indiana

There was no explicit statute concerning a minor's right to contract found in Indiana. However, a minor over 16 years of age can contract for life, accident, and sickness insurance. Burns Ind. Code. Ann. § 27-1-12-15 (2001).

Iowa

A minor is bound by contracts to necessities, but a minor is not bound to other contracts unless the minor does not disaffirm the contract within a reasonable time after majority or unless the minor does not return the consideration of the contract to the other party. Iowa Code § 599.2 (2002).

Kansas

If a minor makes a contract, the minor may disaffirm the contract within a reasonable time after reaching the age of majority or after giving restitution. However, a minor may not disaffirm a contract for necessities, nor may a minor disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. A minor may enter into a contract for insurance, but the consent of a guardian must be given. K.S.A. §§ 38-102, 38-103, 40-237 (2001).

Kentucky

No specific statute regarding a minor's capacity to contract was found in Kentucky.

Louisiana

A minor may disaffirm a contract, except a contract for necessities or for business purposes. A minor 15 years of age or older may contract for life, health, or accident insurance. The minor may not disaffirm the contract for insurance, but an unemancipated minor may not be required, because of an unperformed agreement, to pay any premium on any insurance contract. La. R.S. 22:612, La. C.C. Art. 1923 (2002).

Maine

If a minor enters into a contract the minor will be allowed to disaffirm the contract unless the minor or another person lawfully authorized ratifies the contract after the minor turns 18. The minor may not disaffirm a contract for necessities or for real estate in which the minor has title and benefit. A minor 15 years of age and older may also contract for insurance upon his/her own life, body, health, property, liabilities, or upon the body of another person in whom the minor has an insurable interest. The minor will not be allowed to disaffirm the insurance contract, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on annuity or insurance contract. 33 M.R.S. § 52, 24-A M.R.S. § 2407 (2001).

Maryland

No specific statute regarding a minor's capacity to contract was found in Maryland.

Massachusetts

A minor 15 years and older also has the right to contract for life or endowment insurance upon his/her own life. Mass.

Ann. Laws ch. 231, § 85P; Mass. Ann. Laws ch. 231, § 85O; Mass Ann. Laws ch. 175, § 128 (2002).

Michigan

A minor over 16 years of age will be able to contract for life or disability insurance. MCLS § 500.2205, MCLS § 722.52 (2001).

Minnesota

No specific statute regarding a minor's capacity to contract was found in Minnesota.

Mississippi

A minor over 15 years of age may contract for life, health, or accident insurance. The minor may also, with the permission of a chancery court, contract insurance on another person in whom the minor has an insurable interest. Miss. Code Ann. § 83-7-19 (2001).

Missouri

A minor will be allowed to contract for housing, employment, automobiles, student loans, admission to schools, medical care, bank accounts and admission to domestic and homeless shelters if the minor is: 16 or 17 years of age, homeless, a victim of domestic violence, self-supporting, and living independently of the minor's parents with consent. § 431.055 R.S.Mo., § 431-056 R.S.Mo. (2001).

Montana

A minor may contract with the same capacity as an adult, but the minor may disaffirm contracts if the minor restores consideration to other party in the contract. However, a minor may not disaffirm a contract for necessities, a contract for educational loans, or a contract that was expressly allowed by statute. Finally, a minor is not required to restore consideration to credit card companies or loan advance services that did not obtain the consent of the minor's guardian before the issue of the card or the loan. Also, any minor over 15 years of age may contract for life, body, health, property, or liability interest. A minor may also contract insurance upon another person in whom the minor has insurable interest. A minor will not be allowed to disaffirm the contract, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an annuity or insurance contract. Mont. Code Anno. § 33-15-103, Mont. Code Anno. §§41-1-302 to 41-1-306 (2001).

Nebraska

A minor over 10 years of age may contract for insurance for life, accident, and disability, but the minor must have the consent in writing of a guardian to do so. R.R.S. Neb. § 44-705 (2001).

Nevada

A minor over 16 years of age may contract for annuities or insurance or affirm preexisting insurance on the body, life, health, property, or liability of the minor. The minor may also contract for insurance for another person in whom the minor has an insurable interest. Minors under the age of 16 shall be required to receive written guardian consent in order to contract for insurance. Nev. Rev. Stat. Ann. § 687B.070 (2001).

New Hampshire

No specific statute regarding a minor's capacity to contract was found in New Hampshire.

New Jersey

Any minor over 15 years of age will be able to contract for insurance. The minor cannot disaffirm the contract for insurance, but the unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an annuity or insurance contract. N.J. Stat. § 9:17B-3, § 17B:24-2 (2002).

New Mexico

A minor over 15 years of age may contract for life or health insurance. The minor may also contract for insurance upon another person in whom the minor has an insurable interest. The minor will not be able to disaffirm the contract, but the an unemancipated minor will not be required, because of an unperformed agreement, to pay for the premium on any annuity or insurance contract. 59A-18-7 (2001).

New York

A minor above the age of 14 years and 6 months may enter into an insurance contract for life insurance upon the life of the minor or upon the life of any person in whom the minor has insurable interests. NY CLS Gen Oblig § 3-101 (2002).

North Carolina

A minor may disaffirm a contract. Also, minors over the age of 15 may contract for life insurance or for an annuity. N.C. Gen. Stat. § 48A-3, § 58-58-100 (2001).

North Dakota

A minor may contract for everything but real property or any personal property that is not in the immediate possession of the minor. A minor may disaffirm contracts, but a minor may not disaffirm contracts for necessities or contracts that were made on express statutory authority. N.D. Cent. Cod 14-10-09 to 14-10-13 (2002).

Ohio

Minors over the age of 15 can also contract for life insurance. ORC Ann. 3109.01, 3911.08 (2002).

Oklahoma

A minor may contract as an adult for everything except the following: delegating power, contracting for real property, and contracting for personal property not in the minor's immediate possession. A minor may disaffirm a contract before the age of majority or within one year after reaching the age of majority. A minor between 16 and 18 who has repaired or equipped a motor vehicle that was bought may disaffirm that contract by restoration. A minor may not disaffirm a contract for necessities or a contract allowed by express statutory authority. Minors over the age of 15 may contract for life, accident, or health insurance. The minor may also contract insurance on a person in whom the minor has an insurable interest. Minors over the age of 16 may contract for insurance for other things in which the minor has insurable interest. However, minors may not disaffirm insurance contracts, except that an unemancipated minor will not be required, because of an unperformed agreement, to pay for any premium on any insurance contract. 15 Okl. St. §§, 17, 19, 20 & 36 Okl. St. § 3606 (2002).

Oregon

Any person over 18 years of age has the capacity to contract. However, unemancipated minors and unmarried persons living apart from their guardian who are 16 or 17 years of age, under 16 years of age and pregnant with a child who will live with the minor, or 16 years of age and the parent of a child are able to contract for the necessities of residential living, including contract for living units and utilities. ORS §§ 109.510, 109.697 (2001).

Pennsylvania

No specific statute regarding a minor's capacity to contract was found in Pennsylvania.

Rhode Island

No specific statute regarding a minor's capacity to contract was found in Rhode Island.

South Carolina

No specific statute regarding a minor's capacity to contract was found in South Carolina.

South Dakota

A minor may make any contract, except contracts relating to real property or personal property not in the minor's immediate possession. A minor will also be able to disaffirm a contract before the age of majority or within a year afterwards for everything except necessities and contracts that were made from express statutory authority. S.D. Codified Laws §§ 26-2-1 to 26-2-6 (2001).

Tennessee

No specific statute regarding a minor's capacity to contract was found in Tennessee.

Texas

A minor over the age of 14 may contract for insurance if they do not have a guardian of estate. The minor may contract for life, term or endowment, or annuity contracts. The minor may also insure a person in whom the minor has an insurable interest. The minor may not disaffirm the contract because of his/her minority. Tex. Ins. Code § 1104.003 (2002).

Utah

A minor is bound to his/her contracts for necessities. However, a minor will be able to disaffirm other contracts if the minor disaffirms the contract within a reasonable time after attaining majority or if restitution is made. A minor may not disaffirm a contract in which he falsely misrepresented his age and made the other party believe that the minor was an adult. Any minor over the age of 16 years will also be able to contract for insurance unless there is a conservatorship for property. Utah Code Ann. §§ 31A-21-103, 15-2-2, 15-2-3 (2001).

Vermont

A minor over the age of 15 years may contract for insurance on his/her own life, body, health, property, liabilities, or upon another person in whom the minor has an insurable interest. The minor will not be able to disaffirm an insurance contract, but an

unemancipated minor will not be required, because of an unperformed agreement, to pay for the premium on any annuity or insurance contract. 8 V.S.A. § 3710 (2001).

Virginia

A minor over 15 years of age may contract for insurance. If the minor is living with a guardian, consent must be given by the parent for the insurance. The minor will not be allowed, because of his/her status as a minor, to recover premiums paid. Va. Code Ann. § 38.2-3105 (2001).

Washington

A minor who does contract for necessities is bound to the contract. Also, if the minor lies about his/her age in order to enter a contract, does not disaffirm the contract within a reasonable time after majority, or returns the goods received from the contract to the other party, then the minor may still be bound to the contract. Additionally, a minor over 15 years of age may contract for his/her own life or disability insurance. The minor may not disaffirm the insurance contract, but an unemancipated minor will not be required, because of an unperformed agreement, to pay the premium on any insurance contract. Rev. Code Wash. § 26.28-015, § 26.28.030, § 26.28.040, § 48.18.020 (2002).

West Virginia

A minor older than 15 years of age may contract for his/her own life, accident, or sickness insurance. The minor will not be allowed to disaffirm the contract for insurance, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract. W. Va. Code § 2-3-1, § 33-6-4 (2001).

Wisconsin

No specific statute regarding a minor's capacity to contract was found in Wisconsin.

Wyoming

A minor older than 15 years of age may contract for his/her own life, body, health, property, or liability insurance. The minor may also contract for annuities or for insurance upon a person in whom the minor has an insurable interest. The minor will not be allowed to disaffirm the contract for insurance, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract. Wyo. Stat. § 26-15-105 (2001).

American Samoa

No specific statute regarding a minor's capacity to contract was found in American Samoa.

District of Columbia

A minor over 15 years of age will be able to contract for annuities and for life, health, and accident insurance. D.C. Code § 31-4330 (2002)

Guam

A minor may contract as an adult in any situation except for the following: giving delegation of power, contracting for real property, and contracting for personal property not in immediate possession of the minor. A contract may be disaffirmed by a minor before majority or within a reasonable time afterwards, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. Title 19 §§ 1106, 1107, 1108, 1109, 1110.

Northern Mariana Islands

No specific statute regarding a minor's capacity to contract was found in the Northern Mariana Islands.

Puerto Rico

Minors who are not emancipated are not allowed to contract. 31 L.P.R.A. § 3402 (1999).

Virgin Islands

A minor older than 15 years of age may contract for his/her own life or body insurance. The minor will not be allowed to disaffirm the contract for insurance, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract. Title 22, ch. 33 § 803.

When can emancipated minors contract?

See Emancipation section for statute reference.

The following jurisdictions list the capacity to contract as one of the specific rights granted to emancipated minors:

Alabama	North Carolina
California	Oklahoma
Connecticut	Oregon
Illinois	South Dakota
Indiana	Tennessee
Kansas	Texas
Michigan	Vermont
Mississippi	Virginia
Montana	Washington
Nevada	West Virginia
New Mexico	Wyoming

The following jurisdictions indicate that an emancipated minor may have the capacity to contract through language that states that an emancipated minor shall be given the rights of an adult or someone who has reached the age of majority:

Alaska	Louisiana
Arkansas	Puerto Rico
Florida	Virgin Islands

The following jurisdictions do not explicitly address the subject of an emancipated minor's right to contract:

Arizona	New Hampshire
Colorado	New Jersey
Delaware	New York
Georgia	North Dakota
Hawaii	Ohio
Idaho	Rhode Island
Iowa	Pennsylvania
Kentucky	South Carolina
Maine	Utah
Maryland	Wisconsin
Massachusetts	American Samoa
Minnesota	District of Columbia
Missouri	Guam
Nebraska	Northern Mariana Islands ♦

HEALTH CARE ACCESS FOR UNACCOMPANIED YOUTH

Background

The population of unaccompanied youth includes young people with pressing health care needs who may encounter serious obstacles in seeking health care. This group is comprised of both those who are legally minors, generally under age 18, and those who are legally adults, age 18 or older. This difference in legal status is often important in determining the obstacles that they will encounter in seeking health care.

Available data suggest that this population may experience high rates of health problems such as mental illness, substance abuse, pregnancy, and sexually transmitted infections. Health insurance coverage is a key element in assuring access to health care. Adolescents traditionally have been uninsured at higher rates than other age groups and young adults have lacked insurance at the highest rates of any age group. For example, nearly half of young adults ages 18-24 or younger who are living under the poverty level are uninsured.

Young people who are living apart from their parents or other family members are likely to encounter serious obstacles when seeking health care. This is true whether they are living on the street, staying in temporary quarters, living in a shelter, or residing for a short or long period of time under the supervision of a public agency. One overriding barrier that these youth may encounter is financial: often they have no means of paying for care. Although some youth may qualify for a publicly funded insurance program or be able to obtain health care at a publicly funded site, many seek care in an emergency room only after their health problems have become severe. In addition, these youth may encounter difficulties associated with their providing legally authorized consent for their own health care and assuring the confidentiality of that care.

Overcoming Financial Barriers: Medicaid, SCHIP, and Other Public Programs

Over the past fifteen years, eligibility expansions in the Medicaid program have made it possible for more poor and low-income adolescents to qualify for this important publicly funded health insurance program. In addition, since 1997, the State Children's Health Insurance Program (SCHIP) has made it possible for an even greater number of low-income adolescents to be insured. Nevertheless, the population of unaccompanied youth remains one that is difficult to reach with these insurance expansions. Often applications must

be signed by a parent or guardian and information about parents' income and other financial data must be included in the application. This alone makes it difficult for unaccompanied youth to apply for and receive coverage through Medicaid and SCHIP.

The specific rules for Medicaid and SCHIP eligibility, as well as application procedures, are determined by the states within federal guidelines. Most states have expanded Medicaid and SCHIP eligibility for older adolescents in recent years, but few have specifically addressed the needs of homeless or unaccompanied youth. A small number of states have explored innovative approaches such as allowing homeless youth to apply for Medicaid or SCHIP independently of their families or implementing a new Medicaid eligibility option for young people who were in foster care on their 18th birthday, but most states have not. Far more is required to help unaccompanied youth secure health insurance coverage.

In addition to the publicly funded health insurance programs, numerous other publicly funded programs at the federal and state level fund health care for low-income and vulnerable populations. These include, for example, the Performance Partnership Grant for Community Mental Health Services, the Performance Partnership Grant for Prevention and Treatment of Substance Abuse, the Maternal and Child Health Services Block Grant, the Ryan White CARE Act, the Title X Family Planning Services Program, and the Consolidated Health Centers Program. Many of these services and sites would be available to provide health care for unaccompanied youth. However, these young people often do not know where to go and what is available to them. Moreover, these safety net programs have come under increasing financial pressure in recent years and often have insufficient funds to care for all of the uninsured individuals who need their services. This underscores the importance, whenever possible, of finding ways to enable unaccompanied youth to secure health insurance coverage.

Overcoming Consent and Confidentiality Barriers

When unaccompanied youth do find their way to a health care provider or site and can overcome the financial barriers, additional obstacles associated with consent and confidentiality may impede their access to comprehensive services. Depending on their age, unaccompanied youth may or may not be legally authorized to give consent for their own care. In addition, limitations on the confidentiality of that care may exist.

Unaccompanied youth who are age 18 or older are generally able to give consent for their own care on the same basis as other adults. However, those who are under age 18 are

minors and may or may not be able to give their own consent for care, depending on the specifics of state and federal law and the services they are seeking. Generally the consent of a parent is required for health care that is provided to a minor child. However, every state has numerous laws that allow minors to give their own consent for care in specific circumstances. These laws are based either on the status of the minor or the services sought.

Every state has laws that allow one or more of the following groups of minors to consent for their own health care: emancipated minors, minors living apart from their parents, married minors, minors in the armed services, pregnant minors, minor parents, high school graduates, or minors over a certain age. In addition, every state has laws that allow minors of varying ages to give their own consent for one or more of the following types of health care: general medical care, emergency care, family planning or contraceptive services, pregnancy related care, sexually transmitted infection care, HIV/AIDS care, care for reportable infectious diseases, care for sexual assault, drug or alcohol care, and outpatient mental health services.

With respect to confidentiality of health care, again unaccompanied youth who are age 18 or older are generally entitled to the same confidentiality protections as other adults. The confidentiality of care for those who are under age 18 may be governed by different rules. Numerous state and federal laws affect the confidentiality of health care information. In particular, the new federal medical privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act (the HIPAA rules) contain important provisions that affect medical privacy for both adults and minors. These HIPAA rules and other federal and state laws determine the confidentiality of health care that is provided to an adolescent who is a minor based in part on whether the minor can give consent for his or her own care. Thus there is an important link between the minor consent laws and confidentiality protections. Although even when the law authorizes a minor to give consent for care, it may also grant discretion to a physician to notify the minor's parents. The specifics in this regard vary significantly from state to state.

Many of the health services needed by unaccompanied youth fall within the scope of states' minor consent laws. Also, many unaccompanied youth fall within the groups of minors who are authorized to give consent for their own care. Often, however, young people themselves and their health care providers, as well as the sites where they seek care are not aware of the different ways in which laws may allow these youth to give their own consent for care and receive it on a confidential basis.

Resources

English A, Morreale MC, Stinnett A. Adolescents in Public Health Insurance Programs: Medicaid and CHIP. Chapel Hill, NC: Center for Adolescent Health & the Law, 1999 (available from the Center for Adolescent Health & the Law, info@cahl.org).

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Perkins J, Somers S. An Advocate's Guide to the Medicaid Program. Los Angeles: National Health Law Program, 2001 (ordering information at www.healthlaw.org).

Society for Adolescent Medicine. Health and health needs of homeless and runaway youth: A position paper of the Society for Adolescent Medicine. *J Adolesc Health* 1992;13:717-726 (available at <http://www.adolescenthealth.org/html/homeless.html>).

For additional information contact:

Center for Adolescent Health & the Law
211 North Columbia Street
Chapel Hill, NC 27514
919.968.8850 voice
919.968.8854 fax
info@cahl.org ♦

RIGHTS OF UNACCOMPANIED YOUTH TO PUBLIC EDUCATION

Young people who have left home have the same basic right to free, public education as other youth. In addition, the federal McKinney-Vento Homeless Assistance Act provides additional protections to many unaccompanied youth. Subtitle VII-B of the McKinney-Vento Act establishes an array of rights for unaccompanied youth in homeless situations. The Act defines unaccompanied youth as young people who are not in the physical custody of parents or guardians. 42 U.S.C. 11434A(6). Homelessness is defined broadly, to include a wide variety of temporary, inadequate living situations, such as staying temporarily with friends or relatives due to a loss of housing, economic hardship or a similar reason; living in emergency and transitional shelters; staying in motels, hotels, campgrounds or trailer parks due to the lack of alternative adequate accommodations; sleeping in parks, cars, abandoned buildings, train or bus stations and other public spaces; and awaiting foster placement. 42 U.S.C. 11434A(2).

Unaccompanied youth experiencing homelessness have the right to the same free, public education and opportunities for academic success as housed students. They must be provided with equal access to appropriate secondary education and support services. Youth in homeless situations also have the right to remain in one school, even if their lack of housing forces them to move to a different area. As long as it is feasible, unaccompanied youth can stay in the same school for the entire time they are homeless. The school district must provide transportation to and from that school, by providing free

passes for public transportation, reimbursement for gas or other transportation services.

Unaccompanied youth who are covered by the McKinney-Vento Act also have the right to enroll in school immediately, even if they lack documents normally required for enrollment. Every school district must appoint a liaison who is responsible for assisting unaccompanied youth with enrollment, transportation and other issues. Liaisons and state departments of education must also ensure that school personnel are made aware of the specific needs of runaway youth and other youth experiencing homelessness.

In addition to these rights provided by the McKinney-Vento Act, several jurisdictions have also adopted statutes or regulations to ensure access to education for unaccompanied young people. For example, Colorado enacted its own version of the McKinney-Vento Act in 2002. Col. Rev. Stat. §§22-1-102, 22-1-102.5, 22-33-103.5 (2002). The statute reinforces the protections of the federal law and has garnered attention and results for unaccompanied youth in Colorado. Illinois has conferred statutory protections on unaccompanied youth since 1995. §§105 ILCS 45/1-5 et seq. In fact, many of the recent changes to the McKinney-Vento Act were inspired by successful provisions in the Illinois statute. Many other states, including Maine, Maryland and New Jersey have adopted regulations applying the McKinney-Vento Act in the state. 05-071 Chapter 14, Maine DOE; COMAR 13A.05.09, N.J.A.C. §§6A:17-2.1 et seq.

For more information on the McKinney-Vento Act and the education rights of unaccompanied youth, visit the Law Center's website at www.nlchp.org. ♦

HARBORING UNACCOMPANIED YOUTH

Background

Young people who are separated from their guardians, whether by their own volition or due to their guardian's refusal to provide ongoing care to them, may quickly find themselves unable to meet their basic survival needs without assistance from others. They may seek out emergency shelter and other supports from family members other than the guardian, the families of their friends, neighbors and private and nonprofit institutions, organizations and agencies in the community.

Some states and territories have enacted statutes that explicitly prohibit the "harboring" of runaway youth by individuals and organizations not holding legal custody of the young person. Other jurisdictions have enacted contributory delinquency, custodial interference and minor concealment statutes that, while not explicit, could potentially be interpreted by law enforcement officials to prohibit the harboring of unaccompanied youth.

Both types of statutes have been enacted to preserve family connections, protect the rights of families to raise their children, prevent states from unnecessarily assuming custodial responsibilities and discourage the removal of young people by non-custodial adults from their legal guardians for exploitative purposes. At the same time, these statutes may pose a risk to those individuals and organizations that have legitimate purpose in providing safe havens for young people currently away from their guardian.

Fast Facts

- ◆ 16 jurisdictions make it a crime to harbor a runaway.
- ◆ At least 1 jurisdiction makes it a crime to harbor any child.
- ◆ At least 20 jurisdictions make it a crime to contribute to the delinquency or dependency of a minor.
- ◆ At least 8 jurisdictions make it a crime to interfere with custodial rights.
- ◆ At least 4 jurisdictions make it a crime to conceal a minor.

Purpose and Findings

Three issues were researched for this analysis: whether the statutes explicitly prohibit the harboring of young persons; if not, whether other statutes exist that could be interpreted to prohibit such harboring; and, whether exemptions from a harboring prohibition existed in statute.

Sixteen jurisdictions explicitly make it a crime to harbor a runaway. Those jurisdictions are: Colorado, Delaware, District of Columbia, Florida, Illinois, Iowa, Kansas, Michigan, Mississippi, Missouri, North Dakota, Texas, Utah, Vermont, Washington and American Samoa. The District of Columbia statute applies only to persons who harbor young people who run away from the child welfare system. One jurisdiction, Ohio, makes it a crime to harbor any person under age 18.

At least 32 jurisdictions include provisions criminalizing various interactions with young people that could be interpreted to encompass harboring runaways, including contributing to the delinquency or dependency of a minor (20 jurisdictions), interference with custodial rights (8 jurisdictions) and concealment of a minor (4 jurisdictions). (Please note that the statutes in the 16 jurisdictions with explicit runaway harboring statutes may also have these child protection provisions as well.)

Of these 49 jurisdictions with some version of an anti-harboring statute, 15 offer some exemption from the harboring action being considered a crime, including exclusions for agencies and organizations providing crisis intervention services or operators of youth emergency shelters (Illinois), individuals and organizations who notify law enforcement or child welfare officials of the harboring and the location of the young person (e.g., Florida, Idaho), persons who notify guardians of the harboring and the location of the young person (e.g., Texas) and persons harboring the young person for brief time periods ranging from less than eight hours (Utah) to less than 72 hours (North Dakota).

Analysis

With less than one-third of jurisdictions having enacted statutes which prohibit the harboring of runaways, a majority of jurisdictions must rely on broader child protection provisions to keep unaccompanied young people safe from harm outside the family environment and to avert unwarranted trespass across legally-established guardian-child custodial boundaries.

Given the uncertainty as to whether or not harboring of runaways actually falls within the scope of these more general statutes, further research into the application of the laws, such as through an examination of case law, is needed.

Too few jurisdictions explicitly ensure protection from legal action for individuals and organizations with reasonable justification for harboring an unaccompanied young person, such as when there is proof or suspicion of abuse or neglect by the guardian or if the young person requests a safe haven.

Also, a number of statutes compel individuals and organizations considering harboring a young person to notify a law enforcement official and report their harboring act in order to

avert the commission of a crime. Reporting such harboring through the child welfare system rather than the law enforcement/juvenile justice system may result in more positive outcomes for the young person and her family.

Noteworthy Statutes

Wyoming's custodial interference and minor concealment provisions are worth examination because they establish as affirmative defenses to these otherwise criminal actions that the action was necessary "in order to protect the child from abuse, or that the child was over the age of 14 and the child wanted to be taken away and not returned, provided that the person took the child without intent to commit a criminal offense with the child" (emphasis added). This provision clearly empowers the young person to express his or her wishes regarding their custodial relationship, and thus empowers the harboring agent to act in accordance with the youth's request. Wyo. Stat. § 6-4-403 (2001).

Alaska's statute criminalizing the aid, inducement, causation or encouragement of a child to be absent from a guardian without having the guardian's permission, is worthy of consideration in that it provides an affirmative defense for such harborers if the person reasonably believed that the child was in physical danger or needed shelter or reported the name of the child and his/her location within 12 hours to a peace officer, law enforcement officer or Department of Health and Social Services. The explicit mention of need for shelter as a reasonable purpose for harboring, as well as the option for reporting the young person's location to the child welfare system distinguish this statute. Alaska Stat. § 11.51.130 (2001).

New Jersey statute enables homeless youth a statutory right to access walk-in shelters. The law allows youth care organizations throughout the state to provide safe, stabilizing services to youth in crisis. Initial walk-in access to basic shelter programs is available to homeless youth, age 21 or younger, without parental notification or a court order. After proper notification to a juvenile-family crisis intervention unit, an admitted homeless youth may remain at the basic shelter for up to ten days without the consent of the youth's parent or legal guardian. Where abuse and/or neglect is suspected and an official report is filed, the youth may remain in the shelter for up to 30 days pending disposition of the case. N.J. Rev. Stat. § 9:12A-6.

Washington's statute provides civil immunity from liability if the person reports a runaway within eight hours of learning of their runaway status and only criminalizes harboring when a person prevents a police officer, not a parent, from taking a runaway into custody. Rev. Code Wash. (ARCW) § 13.32A.080 (2002).

Recommendations

- ◆ Adopt explicit exemptions for reasonable cause in anti-harboring provisions, including in those jurisdictions that make it a crime to harbor a runaway youth.
- ◆ Amend or institute anti-harboring, custodial interference, contributory delinquency and minor concealment prohibitions that ensure affirmative defenses for such crimes for "Good Samaritans" providing temporary shelter to an unaccompanied youth at the young person's request or on the confirmation or reasonable suspicion of abuse by a guardian as well as licensed human services agencies and professionals acting within the scope of their duties.
- ◆ Amend anti-harboring, custodial interference, contributory delinquency and minor concealment provisions to encourage individuals and organizations harboring or considering harboring youth to report the young person's location and request services from child welfare authorities rather than law enforcement authorities.
- ◆ Permit licensed human services agencies and professionals acting within the scope of their duties to provide shelter and supports to unaccompanied youth for up to 72 hours before being required to report the location of the young person to guardians or authorities.
- ◆ Ensure anti-harboring statutes are limited to ensure they meet constitutional standards.

Research Methodology and Limitations

To compile state and territorial statutes regarding harboring of runaways, our search used the following terms: Harboring, Harbor, Runaway, Conceal, Custody, Contributing to Delinquency, Provide, Shelter and Interfere (Interference).

The methodology for searching the jurisdiction statutes for anti-harboring provisions was to first search for laws that explicitly addressed "harboring" of "runaways." If no such provision was identified during the search, we then proceeded to search for secondary, general child protection provisions that could be interpreted to prohibit or limit harboring. Three types of provisions were searched: concealment of a minor; interference with custodial rights, and contributing to the delinquency or dependency of a minor.

We did not summarize certain aspects of anti-harboring laws. For instance, we did not inventory the level of offense assigned to such crimes. ◆

HARBORING UNACCOMPANIED YOUTH

Alabama

There is no specific law referring to the harboring of run-aways. However, it is unlawful for any parent, guardian, or other person to cause a child to become delinquent, dependent, or in need of supervision by aiding, encouraging, or neglecting the child. Harboring a runaway may fall within this category. Code of Ala. § 12-15-13 (2001).

Alaska

There is no specific law referring to the harboring of run-aways. However, contributing to the delinquency of a minor is a crime. Any person, over the age of 19 or any person who has been emancipated, who aids, induces, causes, or encourages a child under the age of 18 to be absent from a guardian without having the guardian's permission or without the guardian's knowledge can be found to be contributing to the delinquency of a minor. However, a person may have an affirmative defense to the crime if the person reasonably believed that the child was in physical danger or needed shelter, or if within 12 hours after committing the offense the person reported to a peace officer, a law enforcement agency, or the Department of Health and Social Services the name of the child and where the child was located. Harboring a runaway may fall within this category. Alaska Stat. § 11.51.130 (2001).

Arizona

There is no specific law referring to the harboring of run-aways. However, any person who causes a child to be dependant or delinquent through an act or through encouragement may be guilty of a crime. Harboring a runaway may fall within this category. A.R.S. § 13-3613 & § 13-3612 (2001).

Arkansas

There is no specific law referring to the harboring of run-aways. However, contributing to the delinquency of a minor is a crime. A person contributes to delinquency when that person aids, causes, or encourages a minor to, among other things, be habitually absent from home without good or sufficient cause and without the consent of his guardian. Harboring a runaway may fall within this category. A.C.A. § 5-27-205 (2001).

California

There is no specific law referring to the harboring of run-aways. However, it is a crime for a person to commit an act or omission that would cause a child to become a dependent child or a ward of the juvenile court. Harboring a runaway may fall within this category. Cal Pen Code § 272, Cal Wel & Inst Code § 300, § 601, § 602 (2001).

Colorado

A person may commit a crime if that person harbors a runaway. If a person knowingly provides shelter to a minor without the guardian's consent or if the person intentionally: fails to release the minor upon the request of a law enforcement official to the official, fails to disclose the known location of the minor when requested to do so by a law enforcement official, obstructs a law enforcement official from taking the minor into custody, assists the minor to avoid or attempt to avoid a law enforcement official, or fails to notify the guardian of the child or a law enforcement officer that a minor has been given shelter within 24 hours of giving the shelter. A defense to this crime is that the person had custody of the minor at the time. C.R.S. 18-6-601 (2001).

Connecticut

There is no specific law referring to the harboring of run-aways. However, it is a crime to interfere with the custody of a child. Custodial interference occurs when a relative of a child that is less than 16 years of age entices the child away from a lawful guardian, even though the person has no right to do so, with the intention of keeping the child for a period of time. Interference may also occur when a person refuses to return a child under 16 years of age to the child's guardian upon request. Harboring a runaway may fall within this category. Conn. Gen. Stat. § 53a-98 (2001).

Delaware

It is a crime to knowingly encourage, aid, abet, or conspire with a child so that the child may run away from the home of the child's guardian; it is also a crime to knowingly and illegally harbor a child who has run away from the child's home. 11 Del. C. § 1102 (2001).

Florida

It is a crime for any person who is not an agent of the Department of Juvenile Justice or the Department of Children and Family Services to knowingly shelter an unmarried minor or

provide aid to an unmarried minor who has run away from home without the consent of the minor's guardian or the notification of a law enforcement officer. Fla. Stat. § 984.085 (2001).

Georgia

A person commits the crime of interfering with the custody of a child if he/she knowingly harbors a child who has run away. O.C.G.A. § 16-5-45 (2001).

Hawaii

There is no specific law referring to the harboring of runaway youth. In Hawaii, it is a crime for a person to conceal a minor if the person knows that he/she has no right to do so. Harboring a runaway may fall within this category. HRS § 707-727 (2001).

Idaho

There is no specific law referring to the harboring of runaway youth in general. However, it is a crime for a person to knowingly and intentionally house or otherwise accommodate a child who is under the age of 17 without having the authority of: the child's guardian, the state of Idaho or a department within the state, or the person who has legal custody of the child. Harboring a runaway may fall within this category. It will be an affirmative defense to this crime if the person has notified the custodial guardian or a law enforcement agent of the child's location. It will also be an affirmative defense if shelter is given because the child is being legally detained, there was emergency aid required, or there is reasonable evidence to believe that the child has been abused by the custodial guardian. Idaho Code § 18-1510 (2001).

Illinois

It is a crime for any person, other than an agency or association providing crisis intervention services or the operator of a youth emergency shelter, to harbor a runaway unemancipated minor for more than 48 hours without the knowledge and consent of the minor's guardian or without notifying law enforcement authority. 720 ILCS 5/10-6 (2001).

Indiana

There is no specific law referring to the harboring of runaway youth in general. The state does recognize, however, that it is a crime for a person, who has the intent to deprive another person of the custody or visitation rights of a child, to knowingly or intentionally conceal a child who is under the

age of 18. Harboring a runaway may fall within this category. Burns Ind. Code Ann. § 35-42-3-4 (2001).

Iowa

It is a crime for any person to harbor a runaway child with the intent to commit a criminal act with the child or entice the child to commit a criminal act; it is also a crime to harbor a runaway child with the intent of allowing the child to remain away from home without the consent of the child's guardian. These crimes do not apply to shelter care. Iowa Code § 710.9 (2002).

Kansas

It is a crime to shelter or conceal a runaway with the intent to aid the runaway in avoiding detection or apprehension by law enforcement agents. K.S.A. § 21-3612 (2001).

Kentucky

There is no specific law referring to the harboring of runaway youth. The state, however, does recognize that it is a crime for a person to take or keep from lawful custody any person entrusted by authority of the law to the custody of another person or institution. Harboring a runaway may fall within this category. KRS § 509.070 (2001).

Louisiana

There is no specific law referring to the harboring of runaway youth. However, the state does recognize that it is the crime of contributing to the delinquency of a juveniles when a person, over the age of 17, intentionally helps or encourages a child under the age of 17 to absent himself/herself from home without the permission of a guardian. Harboring a runaway may fall within this category. La. R.S. 14:92 (2002).

Maine

There is no specific law referring to the harboring of runaway youth.

Maryland

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for a relative of a child to harbor the child knowing that the custody of the child belongs to another. Md. FAMILY LAW Code Ann. § 9-304 (2001).

Massachusetts

There is no specific law referring to the harboring of runaway youth. However, it is a crime to cause or contribute to the delinquency of a minor. Harboring a runaway may fall within this category. Mass. Ann. Laws ch. 199, § 63 (2002).

Michigan

It is a crime for any person to knowingly and willfully conceal or harbor a runaway child who has run from his/her guardian or the custody of the court. MCLS § 722.151 (2001).

Minnesota

It is a crime to cause or contribute to a child being a runaway. It is also a crime to conceal a child from the child's guardian with the intent to deprive the guardian of their custodial rights. Harboring a runaway may fall within these categories. It is an affirmative defense to both of these crimes if the concealment occurred because the person believed that the child needed to be protected from abuse or if the person believed that he/she had the permission of the guardian to conceal the child. It is also a crime to encourage, cause or contribute to a minor's need for protection or services. However, that statute does not apply to licensed social service agencies and outreach workers who provide services to runaways within the scope of their professional duties. Minn. Stat. §§ 260C.425, 609.26 (2001).

Mississippi

It is a crime for any person to knowingly harbor or conceal or aid in harboring or concealing any child who has absented himself/herself from home without the permission of the child's guardian. Miss. Code Ann. § 97-5-39 (2001).

Missouri

Any person who aids a runaway or who conceals such a child with the intent of helping the child evade pursuit is guilty of a crime. § 219.061 R.S.Mo. (2001).

Montana

There is no specific law referring to the harboring of runaway youth. It is the crime, however, of custodial interference if a person, knowing that he/she has no legal right to the child, takes, entices, or withholds the child from lawful custody of a person or an institution. Harboring a runaway may fall within this category. Mont. Code Anno., § 45-5-304 (2001).

Nebraska

There is no specific law referring to the harboring of runaway youth in general. The state does recognize that it is a crime to harbor any juvenile who has escaped from the custody of the office of Juvenile Services. It is also a crime for any person to contribute to the delinquency of a child. Harboring a runaway may fall into either of these two categories. R.R.S. Neb. § 28-709, § 28-912.01 (2001).

Nevada

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for a person to cause a child to be a neglected child, a child in need of supervision, or a delinquent child. Harboring a runaway may fall within this category. Nev. Rev. Stat. Ann. § 201.110 (2001).

New Hampshire

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. RSA 169-B:41 (2002).

New Jersey

There is no specific law referring to the harboring of runaway youth.

New Mexico

There is no specific law referring to the harboring of runaway youth. It is, however, a crime to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. N.M. Stat. Ann. § 30-6-3 (2001).

New York

There is no specific law referring to the harboring of runaway youth. The state does recognize it as a crime to knowingly act in any way that would be harmful for the physical, mental, or moral welfare of the child. Harboring a runaway may fall within this category. NY CLS Penal § 260.10 (2002).

North Carolina

There is no specific law referring to the harboring of runaway youth. The state does consider it a crime, however, if a person aids, causes, or encourages a juvenile to be in the position where the juvenile could be adjudicated as delinquent,

abused, neglected, or undisciplined. Harboring a runaway may fall within this category. N.C. Gen Stat. § 14-316.1 (2001).

North Dakota

It is a crime to willfully harbor a runaway minor, knowing that the child is being sought by law enforcement officials. This crime will not apply to those people who are giving temporary sanctuary, less than 72 hours, to a runaway who has been physically, mentally, or sexually abused. It also does not apply to violence shelters or safe homes who provide temporary shelter to a minor and their guardian. N.D. Cent. Code § 12.1-08-10 (2002).

Ohio

There is no specific law referring to the harboring of runaway youth in general. The state does consider it a crime, however, to harbor a child under the age of 18 with the intent to keep the child from the guardian. An affirmative defense to this crime is the notification, within a reasonable time, to law enforcement authority that the child is being harbored. Harboring a runaway may fall within this category. ORC Ann. 2919.23 (Anderson 2002).

Oklahoma

There is no specific law referring to the harboring of runaway youth. It is a crime in the state, however, to knowingly aid or cause a minor to be, remain, or become a delinquent or runaway. Harboring a runaway may fall within this category. 21 Okl. St. § 856 (2002).

Oregon

There is no specific law referring to the harboring of a runaway youth.

Pennsylvania

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to do anything to corrupt or try to corrupt the morals of a minor. Harboring a runaway may fall within this category. 18 Pa.C.S. § 6301 (2001).

Rhode Island

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to knowingly or willfully encourage or aid a child to violate any laws or ordinances. Harboring a runaway may fall within this category. R.I. Gen. Laws § 11-9-4 (2001).

South Carolina

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for any person over the age of 18 to knowingly and willfully aid or cause a child to repeatedly desert the child's home without just cause or the consent of the parent. Harboring a runaway may fall within this category. S.C. Code Ann. § 16-17-490 (2001).

South Dakota

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the abuse, neglect, or delinquency of a child, or cause a child to become a child in need of supervision. Harboring a runaway may fall within this category. S.D. Codified Laws. § 13-27-18 (2001).

Tennessee

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency or unruliness of a minor. Harboring a runaway may fall within these categories. Tenn. Code Ann. § 37-1-156 (2001).

Texas

It is a crime to harbor a runaway child if the person harboring the child knew or should have known that the child is under 18 and has escaped the custody of state officer or is voluntarily absent from the child's home without consent from the parents. It is an affirmative defense to the crime if the person notifies the guardian of the child or the agency in which the child was staying the location of the child within 24 hours of finding out the child had escaped from custody or was voluntarily absent from home without consent of the guardian. Tex. Penal Code § 25.06 (2002).

Utah

Any person who knowingly and intentionally harbors a runaway minor, who is away from home without consent of the minor's parent, is guilty of a crime. A person may not be guilty of harboring a runaway if he/she notifies the guardian of the minor's location or reports the minor's location to child and family services within 8 hours after the person knows the minor is away from home. Utah Code Ann. § 62A-4a-501 (2001).

Vermont

A person commits a crime if they unlawfully shelter a runaway child. 13 V.S.A. § 1311 (2001).

Virginia

There is no specific law referring to the harboring of run-away youth. It is a crime, however, to cause a child to be delinquent, in need of services, in need of supervision, abused, or neglected. Harboring a runaway may fall within this category. Va. Code Ann. § 18.2-371 (2001).

Washington

It is a crime for a person to harbor a minor when that person knows that the minor is away from home without the consent of the guardian and the person provides shelter to the minor without the guardian's consent. A person is also guilty of harboring a minor when the person intentionally obstructs law enforcement officers when they are trying to take the minor into custody, assists the minor in avoiding the custody of law enforcement officers, fails to release the minor to law enforcement officers upon request, or fails to disclose the whereabouts of the minor to law enforcement officials after assisting the minor in going to the location. It is an affirmative defense that the person had custody of the minor through court order. Rev. Code Wash. (ARCW) § 13.32A.080 (2002).

West Virginia

There is no specific law referring to the harboring of run-away youth. It is a crime, however, to contribute to the delinquency of a child. Harboring a runaway may fall within this category. W.Va. Code § 49-7-7 (2001).

Wisconsin

There is no specific law referring to the harboring of run-away youth. The state does recognize that it is a crime to intentionally conceal a child from the child's guardian, take away a child from the child's guardian, cause a child to leave the child's guardian, or withhold the child from the child's guardian. Harboring a runaway may fall within this category. It is an affirmative defense that the person that takes the child has parental authority to protect the child from harm, has the consent of the legal guardian to take the child, or is otherwise ordered by law to have the child. Wis. Stat. § 948.31 (2001).

Wyoming

There is no specific law referring to the harboring of run-away youth. It is a crime, however, to fail or refuse to return a minor to the person who has custody of the minor. It is also a crime to entice or take a minor from the custody of the guardian. If the person knowingly conceals or harbors the

child from a guardian and refuses to reveal the location of the child, this may be a crime as well. An affirmative defense to these actions is that the action was necessary in order to protect the child from abuse, or that the child was over the age of 14 and the child wanted to be taken away and not returned, provided that the person took the child without intent to commit a criminal offense with the child. Wyo. Stat. § 6-4-403 (2001).

American Samoa

It is a crime to harbor a runaway child. American Samoa Code Annotated § 45.1026.

District of Columbia

There is no specific law referring to the harboring of run-away youth in general. The District does recognize, though, that it is a crime to harbor, conceal, or aid a child who is absent without permission from a home or institution in which they have been placed by the Board of public Welfare. D.C. Code § 4-125 (2001).

Guam

There is no specific law referring to the harboring of run-away youth.

Northern Mariana Islands

There is no specific law referring to the harboring of run-away youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. 6 CMC § 5105.

Puerto Rico

There is no specific law referring to the harboring of run-away youth. It is a crime, however, to keep a child from his guardian. Harboring a runaway may fall within this category. 33 L.P.R.A. § 4244 (1999).

Virgin Islands

There is no specific law referring to the harboring of run-away youth. ♦

SERVICES AND SHELTERS FOR UNACCOMPANIED YOUTH

Background

Youth away from their guardians typically need care and assistance from others. In addition to relatives, mentors, and adult friends who may provide informal assistance, there exists a network of public, private and nonprofit agencies with formal responsibility for offering supports and opportunities to unaccompanied youth specifically or young people generally.

The states bear constitutional responsibility for ensuring the health, safety, and welfare of their citizens. When parents and guardians are unable or unwilling to care for their children, the state itself is obligated to assume such a role. They may do so by assuming custodial responsibility directly or may delegate care and assistance responsibilities to private entities. Accordingly, states and territories have established laws to ensure the protection of young people when they are in the custody of the state or outside of the immediate supervision of a parent or guardian. One type of child protection law, organizational licensure, requires entities providing services to young people to meet certain health and safety, clinical practice and staff qualifications standards in order to operate legally in the jurisdiction. Proof of licensure may also be a condition for the entity's receipt of public or private funds.

Fast Facts

- ◆ 11 jurisdictions explicitly assign responsibility for providing services and/or shelter to runaway and/or homeless youth to a designated executive branch agency.
- ◆ 20 jurisdictions establish in statute a licensure requirement explicitly for runaway and homeless youth shelters or programs.
- ◆ At least 25 jurisdictions regulate runaway and homeless youth shelters and programs via a broader child-caring license.
- ◆ At least 10 jurisdictions explicitly authorize the expenditure of funds or authorize local units of government to expend funds for programs and services targeted to runaway and homeless youth.

Purpose and Findings

Three services and shelter issues were researched for this analysis: which jurisdictions assigned responsibility for providing services to runaway and homeless youth to a particular

executive branch agency; which jurisdictions require runaway and homeless youth shelters to be licensed, and through what authority; and which jurisdictions establish and/or authorize funding for targeted runaway and homeless youth programs. Also compiled were statutes regarding homeless shelters and services generally, recognizing that in some cases homeless youth (particularly those at or over the age of majority) may be served through a jurisdiction's general (typically, adult) homeless assistance system rather than its child- and youth-serving systems.

The statutes of 11 jurisdictions include provisions that explicitly assign responsibility for providing programs and services and/or shelter to runaway and/or homeless youth to a designated executive branch agency: Alabama, Florida, Idaho, Illinois, Minnesota, Mississippi, New Jersey, New Mexico, North Dakota, South Carolina and Vermont. In ten of those jurisdictions, responsibility rests with a human services agency. In one state (Alabama) such responsibility rests with a juvenile justice agency.

Twenty jurisdictions establish in statute a licensure requirement explicitly for runaway shelters or programs and/or homeless youth shelters or programs: Alaska, California, Colorado, Florida, Illinois, Iowa, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin and District of Columbia. In 18 of those jurisdictions, responsibility for issuing the license rests with a human service agency. In Iowa, such authority rests with a department of inspections and appeals. In the District of Columbia, such authority rests with the mayor. In a few jurisdictions the distinct licensure requirement appears to apply only to certain types of runaway and homeless youth programs (such as in Washington to HOPE centers). Other runaway and homeless youth shelters and programs may be subject to licensure under another statute, such as a broad child-caring license. Some of the unaccompanied youth-specific licensure statutes articulate requirements and prohibitions conditional for licensure, particularly the length of time a young person may stay in such a facility and the facility's obligation to notify guardians and/or public agencies of the youth's location.

At least twenty-five jurisdictions regulate runaway and homeless youth shelters and programs via a broader child-caring license. These statutes tend not to prescribe any of the standards for licensure, leaving the establishment of such criteria to the licensing agency.

One state (Hawaii) assigns its health department the responsibility for licensing runaway and homeless youth shelters.

Two states (Nevada, Ohio) expressly delegates authority to review and approve youth shelters to local units of government.

The statutes of ten jurisdictions include provisions that explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to runaway and homeless youth: Alaska, California, Illinois, Maryland, Minnesota, Missouri, Nebraska, New Jersey, North Dakota and Wisconsin. It is important to note both that the presence of such authorization language does not necessarily mean that appropriations actually occur and that the lack of such authorization language does not mean that appropriations for targeted runaway and homeless youth programs do not, in fact, take place.

Analysis

It is surprising to uncover that some state and territorial statutes explicitly assign responsibility for providing services and/or shelter to runaway and/or homeless youth to a designated executive branch agency. That being said, it is regrettable that only one-fifth of jurisdictions have enacted such a provision. This absence may be an indicator of a larger state under-attention to unaccompanied young people. Further research is necessary to uncover whether these “assignment” statutes lead to greater levels of state support for unaccompanied youth than those jurisdictions without such provisions. Other jurisdictions contemplating the addition of such language to their statutes should follow the precedent of most of their peers and assign such responsibility to a human services agency.

While state and territorial regulation of runaway and homeless youth shelters and programs is nearly universal, there is a near-even split between those jurisdictions that license such entities under unaccompanied-youth specific authority and those jurisdictions that license such entities under a broader child-caring category. On its face, unaccompanied youth-specific licensure appears to provide the legislature an opportunity to directly articulate the paramount standards of such programs, particularly length of stay and guardian/public authority notification matters. However, the standard provisions are far from detailed in either the unaccompanied youth-specific or child-caring approaches, suggesting that the “meat” of licensure requirements is provided through regulatory or administrative, not statutory, law. Accordingly, definitive judgment on the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure should be withheld pending further examination of the complete body of licensure law.

That less than one-fifth of jurisdictions authorize by statute the expenditure of funds on programs for unaccompanied youth again is indicative of state neglect of this vulnerable

group of young people. Ideally, all jurisdictions would provide such targeted support.

Noteworthy Statutes

Florida statute is worthy of examination because of the detailed responsibilities assigned to the Department of Children and Family Services (DCFS) with regard to runaways. Not only is DCFS responsible for coordinating efforts to assist runaway youth, including community outreach, family services, shelter care, crisis intervention and counseling, but it must also to establish standards for services offered for runaways, including guidelines focused on an intake system, counseling, and case management. Fla. Stat. § 409.441 (2001).

Minnesota’s “assignment” statute is helpful in that it obligates the Commissioner of Human Services to arrange for housing supports for homeless youth and mentions funding considerations. Minn. Stat. § 256E.115 (2001).

Louisiana’s statute regulating runaway and homeless youth residential facilities merits consideration for several reasons. First, it gives the facility sufficient time (not more than 72 hours) to notify the guardian of the youth’s location, and the latitude to not contact the guardian if there is a compelling reason not to do so. Youth have the right to leave the facility at any time. They may remain at the facility up to 72 hours without a guardian’s consent and up to 15 days with a guardian’s consent. Facilities are required to provide care to the young person until the state human services agency or a court makes a placement decision. Facilities are required to serve all runaway and homeless youth. A scope of services is described. And, facility staff are granted immunity from liability except in acts of gross negligence and intentional misconduct. La. R.S. 46: 1352-1356 (2002).

California statute authorizes several sources of funding for runaway and homeless youth programs and services, including through a Runaway Youth and Families in Crisis Project and through the Youth Center and Youth Shelter Bond Act program. Cal Wel & Inst Code § 1787 (2001) and Cal Wel & Inst Code § 2011 (2001).

Recommendations

- ◆ Explicitly assign responsibility for offering opportunities and supports for runaway and homeless youth to a human services agency.
- ◆ Consider the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure and establish separate licensure for unaccompanied youth programs if there are clear benefits to doing so.

- ◆ Explicitly include shelters and programs for runaway and homeless youth as an illustration of type of facility subject to child-caring facility licensure, if the jurisdiction does in fact intend to regulate such entities under this broader category.
- ◆ Authorize and appropriate state and local funds for programs and services targeted to runaway and homeless youth.

Research Methodology and Limitations

To compile statutes regarding shelters and services for runaway and homeless youth, our search used the following terms: Shelter, Child, Child Care Facility, Emergency, Runaway, Homeless, License, Youth and Welfare.

It was beyond our means in this project to review, summarize and compare the extensive body of regulatory and

administrative law that govern the licensure and regulation of shelters and programs for runaway and homeless youth. We hope that the summaries provided will at least direct inquirers to the appropriate licensing agency in each jurisdiction should additional information be desired.

In a number of instances, it was difficult to determine whether runaway and homeless youth shelters were in fact covered by a child-caring facility or other licensure category. In those cases, we contacted a runaway and homeless youth-serving organization operating in that jurisdiction to verify their licensure status and the licensing agency.

There may be more than one category of licensure that covers facilities serving runaway and homeless youth. For example, programs that accept referrals from the juvenile justice system may be regulated by the juvenile justice authority. Programs with addiction and mental health services for unaccompanied youth may be regulated as health care treatment facilities. ◆

SERVICES AND SHELTERS FOR UNACCOMPANIED YOUTH

Alabama

Runaway Services

- ◆ The Department of Youth Services is responsible for providing services to runaway youth. Code of Ala. § 44-1-24 (2002).

Child Care Facilities

- ◆ The Department of Human Resources licenses biennially all institutions and agencies caring for, receiving, or placing minor children and may revoke such license for cause. Code of Ala. § 38-2-6 (2002).

Homeless Shelters

- ◆ Counties and Municipalities may acquire, rehabilitate, develop, and establish homeless shelters and may fund any organization that operates a homeless shelter. Code of Ala. § 11-96A-3 (2001).

Alaska

Runaway Shelters

- ◆ A shelter for runaways is a private residence that is designated for and has a permit for providing shelter for runaway youth from the Department of Health and Social Services. Alaska Stat. § 47.10.392 (2001).
- ◆ A youth may not reside at a shelter for runaways for longer than seven days unless special circumstances exist. Alaska Stat. § 47.10.394 (2001).
- ◆ If there is anything to suggest that a youth admitted to a shelter for runaways has been the victim of abuse or neglect, the Department of Health and Social Services must be contacted within one working day. Alaska Stat. § 47.10.394 (2001).
- ◆ A shelter for runaways will not be held accountable for any civil liability unless gross, intentional, or reckless misconduct has occurred. Alaska Stat. § 47.10.398 (2001).

Runaway Programs

- ◆ Programs for runaway minors must obtain a license from the Department of Health and Social Services in order to operate. The Department is responsible for reviewing and inspecting programs for runaway minors before granting them a license. Alaska Stat. § 47.10.300 (2001); Alaska Stat. § 47.10.310 (2001).
- ◆ The Department is also responsible for allocating grants to programs for runaway minors. Alaska Stat. § 47.10.300 (2001).

- ◆ Programs for runaway minors must assess runaways admitted to the program and refer the runaways to the appropriate services. Family reunification efforts must also be made. If abuse or neglect is suspected or reported, the Department must be contacted within one working day. Alaska Stat. § 47.10.310 (2001).
- ◆ A runaway may remain at a program for runaway minors for up to 45 days without guardian consent, unless in the custody of the Department. A runaway may stay for an additional period of 45 days with the consent of the runaway's guardian. Alaska Stat. § 47.10.320 (2001).
- ◆ A program for runaways may not be held accountable for any civil liability unless gross, intentional, or reckless misconduct has occurred. Alaska Stat. § 47.10.350 (2001).

Arizona

Child Care Facilities

- ◆ The Department of Economic Security is responsible for licensing child welfare agencies. The Department must evaluate applicants before granting them licenses and has the power to suspend or revoke a license. A child welfare agency is any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for twenty-four hour social, emotional, or educational supervised care. A.R.S. § 8-501 (2001); A.R.S. § 8-505 (2001); A.R.S. § 8-506.1 (2001).

Homeless Services

- ◆ The Department of Public Welfare administers short-term crisis services, including the operation of emergency shelters, for homeless individuals. It shall make payments to emergency shelters that provide services to the homeless. A.R.S. § 46-241.01 (2001); A.R.S. § 46-241.05 (2001).
- ◆ The Homeless Trust Fund allocated money for homeless shelters and services, with priority given to shelters and services that target homeless families with children. A.R.S. § 41-2021 (2001).

Arkansas

Child Care Facilities

- ◆ Emergency youth shelters must receive licenses from and follow the rules and regulations established by the Child Welfare Agency Review Board. The Review Board sets standards for health and safety, conditions of facilities, assessment and supervision of children, and staff qualifications. The Review Board may also suspend or revoke licenses and fine facilities for violations. A.C.A. § 9-28-405 (2001).

California

Runaway and Homeless Youth Services

- ◆ The Runaway Youth and Families in Crisis Project was established to prevent at risk youth from engaging in delinquent or criminal behavior and to reduce the number of at risk families from engaging in neglectful, abusive, and criminal behavior. The program includes emergency shelter programs for both runaway youth and families in crisis, transitional living shelter services, and low-cost family resolution services. Cal Wel & Inst Code § 1787 (2001).
- ◆ Runaway youth shelters that operate under The Runaway Youth and Families in Crisis Project have the following requirements: must provide food, counseling and referral services, screening for health needs and referrals to appropriate health care providers, long term family reunification planning services. There is also a fourteen-day stay limit. Cal Wel & Inst Code § 1788 (2001).
- ◆ Family and crisis resolution services that operate under The Runaway Youth and Families in Crisis Project shall include: parent training, family counseling, long term family reunification planning, and follow up services. Cal Wel & Inst Code § 1788 (2001).
- ◆ Transitional living services that operate under The Runaway Youth and Families in Crisis Project shall include: long term shelter, independent living skills programs, employment skills training and home responsibilities training. Cal Wel & Inst Code § 1788 (2001).
- ◆ An advisory group exists that produces an annual report focused on runaway and homeless youth, maintains a list of homeless and runaway youth service providers, compiles statistics on homeless and runaway youth, and locates possible sources of funding for runaway and homeless youth services. Cal Wel & Inst Code § 1786 (2001).
- ◆ The Office of Criminal Justice Planning monitors the implementation of the Homeless Youth Emergency Service Pilot Projects. The goal is to provide shelter and services to homeless youth. Cal Wel & Inst Code § 13700 (2001).
- ◆ The Department of the Youth Authority awards funds for runaway shelters and shelters for abused and neglected youth through The Youth Center and Youth Shelter Bond Act Program. Cal Wel Inst Code §2011 (2001).
- ◆ Recipients of Youth Center and Youth Shelter Bond Act Program funding must comply with requirements concerning the duration of shelter operation. Cal Wel Inst Code §2012 (2001).

- ◆ At least 70% of the funding awarded through The Youth Center and Youth Shelter Bond Act Program must towards runaway shelters. Cal Wel Inst Code §2020 (2001).

Homeless Services

- ◆ The Department of Social Services is responsible for providing emergency assistance to needy and homeless families. Cal Wel Inst Code §11450 (2001); Cal Wel Inst Code §11450.4 (2001).
- ◆ Certain armories in the state are designated locations for homeless shelters. Counties electing to use armories for homeless shelters must obtain a license from the Military Department and must assume responsibility for funding and operating the shelter. Cal Gov Code § 15301 (2001); Cal Gov Code § 15301.3 (2001).
- ◆ The Runaway Youth and Families in Crisis Project was established to encourage local governments and the nonprofit and private sectors to develop supportive housing programs, which blend affordable housing with social and employment services. Cal Health and Saf Code § 53250 (2002).

Colorado

Homeless Youth Shelters

- ◆ Licensed child care facilities and licensed homeless youth shelters may provide both crisis intervention services and alternative residential services to homeless youth. C.R.S. 26-5.7-105 (2001).
- ◆ A license for the operation of a homeless youth shelter must be obtained from the Department of Human Services. Licensed shelters must meet the standards prescribed by the Department of Human Services and must pay a fee to obtain a license. C.R.S. 26-6-104 (2001); C.R.S. 26-6-106 (2001).
- ◆ Youth may remain in a homeless youth shelter for no longer than two weeks. C.R.S. 26-5.7-105 (2001).
- ◆ The Homeless youth shelter shall make a concerted effort to reunite the youth with the youth's family. If this proves unsuccessful, the shelter shall inform the family of the availability of counseling services, long term residential facilities, and referral to the county department. C.R.S. 26-5.7-105 (2001).
- ◆ Upon admitting a youth to a shelter, the shelter shall immediately notify the youth guardian of the youth's whereabouts and mental and physical condition. The shelter shall also arrange transportation to the youth's home or to a long-term residential facility agreed upon

by the youth and the youth's guardian. C.R.S. 26-5.7-106 (2001).

- ◆ If the youth and the youth's guardian cannot be reunified and cannot agree on a long-term residential placement, the shelter may refer the youth to the county department. If the youth has stayed at the shelter for two weeks and the youth's guardian cannot be found or has renounced responsibility for the youth, the shelter may arrange for supervised independent living, or may place the youth with a relative or in a child care facility. C.R.S. 26-5.7-108 (2001).

Connecticut

Child Care Facilities

- ◆ A child care facility may not care for or board a child without a license obtained from the Commissioner of Children and Families. A child care facility is a congregate residential setting for the out-of-home placement of children or youth under eighteen years of age. Conn. Gen. Stat. § 17-48 (2001).

Homeless Services

- ◆ The Commissioner of Social Services may make grants to public and private organizations to develop and maintain programs for homeless individuals, including emergency shelters and transitional living programs. Shelters receiving grants from the commissioner shall maintain safe and sanitary conditions, shall not suspend or expel residents without good cause, and shall provide a process by which a resident may file a grievance concerning the shelter. Conn. Gen. Stat. § 17b-1800 (2001).

Delaware

Child Care Facilities

- ◆ A person, institution, agency, or organization may not conduct child care without a license from the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families. Child care includes, among other things, residential child care facilities and supervised independent living programs. 31 Del. C. §344 (2001); 31 Del. C. §344 (2001).

Florida

Runaway Services

- ◆ The Department of Children and Family Services is responsible for coordinating efforts to assist runaway youth, including community outreach, family services, shelter care, crisis intervention, and counseling. Fla. Stat. § 409.441 (2001).

- ◆ The department is also required to establish standards for services offered to runaways, including guidelines focused on an intake system, counseling, and case management. Fla. Stat. § 409.441 (2001)

Youth Shelters

- ◆ The department is also responsible for licensing runaway shelters. Runaway shelters may not operate without a license. Requirements for a license include meeting regulations concerning the staff, administrative procedures, the provision of food, education, and shelter, and the cleanliness and safety of a facility. The department must monitor licensed facilities and may require the facilities to comply with regulations in order to keep their license. Fla. Stat. § 409.175 (2001).
- ◆ Runaway shelters may also be required to register with a qualified association. Qualified associations maintain standard which all child care facilities and shelters registered with them are required to meet. The qualified association may report violations to the department and may deny registration to any facility that does not comply with its standards. Fla. Stat. § 409.176 (2001).

Homeless Services

- ◆ The State Office on Homelessness exists within the Department of Children and Family Services is responsible for monitoring services for the homeless. The State Office on Homelessness also is responsible for allocating grants to organizations offering services to the homeless. The State Office on Homelessness also works with local efforts to service the homeless and helps them develop standards for shelter care and other services. Fla. Stat. § 420.622 (2001); Fla. Stat. § 420.623 (2001).

Georgia

Child Care Facilities

- ◆ The Department of Human Resources is responsible for licensing child welfare agencies, using regulations and standards established by the Board of Human Resources. A child welfare agency is any child-caring institution, child-placing agency, maternity home, family day-care home, group day-care home, or day-care center. O.C.G.A. § 49-5-12 (2001).

Homeless Shelters

- ◆ The State Housing Trust Fund for the Homeless Commission maintains the Housing Trust Fund for the Homeless which allocates funds for residential housing projects, including homeless shelters and low income housing. O.C.G.A. §8-3-308 (2001).

Hawaii

Youth Shelters

- ◆ Emergency youth shelters are currently licensed as special treatment facilities. Special treatment facilities fall under the responsibilities of the Department of Health. HRS § 334-1 (2001).

Homeless Shelters

- ◆ The Housing and Community Development Corporation of Hawaii is responsible for administering and operating homeless shelters throughout the state. The Corporation may adopt rules concerning the administration and operations of the shelters and may contract with provider agencies to operate homeless shelters. HRS § 201G-452 (2001); HRS § 201G-455 (2001).

Idaho

Homeless Youth Services

- ◆ The Department of Health and Welfare is responsible for cooperating with the federal government in extending services to homeless youth. Idaho Code § 56-202 (2002).

Child Care Facilities

- ◆ In order for a children's institution to operate, it must obtain a license from the Board of Health and Welfare. A children's institution is a person or an organization that operates a residential facility for children not related to that person if that person is an individual, for the purpose of providing child care. Idaho Code § 39-1213 (2002).

Homeless Shelters

- ◆ The Idaho Housing Trust fund allocates money for homeless shelters, sets standards for the use of the money allocated, and monitors compliance with these standards. Idaho Code § 67-8103 (2002); Idaho Code § 67-8109 (2002).

Illinois

Homeless Youth Services

- ◆ The Department of Children and Family Services is responsible for protecting and promoting the health, safety, and welfare of homeless children. 20 ILCS 505/5 (2001).
- ◆ The corporate authorities of municipalities, county boards and township boards may appropriate funds to private nonprofit organizations for the purpose of providing services to homeless and runaway youth, including shelter, food, clothing, counseling, and family reunification efforts. 55 ILCS 5/5-1090 (2001); 60 ILCS 1/215-15 (2001); 65 ILCS 5/11-5.2-3 (2001).

Runaway Youth Services

- ◆ The Department of Children and Family Services is responsible for establishing rules and regulations concerning the return of runaway youth. 20 ILCS 505/5 (2001).
- ◆ The corporate authorities of municipalities, county boards and township boards may appropriate funds to private nonprofit organizations for the purpose of providing services to homeless and runaway youth, including shelter, food, clothing, counseling, and family reunification efforts. 55 ILCS 5/5-1090 (2001); 60 ILCS 1/215-15 (2001); 65 ILCS 5/11-5.2-3 (2001).

Youth Shelters

- ◆ A youth emergency shelter cannot operate without a license or permit from the Department of Children and Families. The Department publishes licensing standards that must be maintained in order to obtain and keep a license. The standards include staff size and training, facility cleanliness and safety, financial ability, and resident rights and treatment. 225 ILCS 10/7 (2001).

Indiana

Youth Shelters

- ◆ Counties in the state have the authority to establish emergency shelters for children to be operated by the county or a public or private organization. Burns Ind. Code Ann. § 12-17.4-3-3.5 (2002).
- ◆ An emergency shelter for children may not operate without a child caring institution license from the Division of Family and Children. Licensing standards include health, safety, sanitation, staff, and food regulations. Burns Ind. Code Ann. § 12-17.4-3-1 (2002); Burns Ind. Code Ann. § 12-17.4-3-3 (2002).

Homeless Shelters

- ◆ Townships have the authority to establish homeless shelters. Burns Ind. Code Ann. § 12-30-3-2 (2002).

Iowa

Youth Shelters

- ◆ The Department of Inspections and Appeals is responsible for licensing youth shelters and detention facilities.

Homeless Shelters

- ◆ The Department of Economic Development shall control a shelter assistance fund. The fund shall be spent on construction, rehabilitation, expansion or costs of operations of shelters for the homeless and for domestic abuse

victims. At least \$546,000 shall be spent annually on homeless shelter projects. Iowa Code § 15.349 (2002).

Kansas

Child Care Facilities

- ◆ A child care facility may not operate without a license from the Secretary of Health and Environment. A child care facility is a facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, except children related to the person by blood, marriage or legal adoption. K.S.A. § 65-501 (2001).

Kentucky

Child Care Facilities

- ◆ A child caring facility may not operate without a license from the Cabinet of Children and Families. The Cabinet also sets standards and regulations that must be followed by licensed facilities. A child caring facility is an institution or group home providing residential care on a 24 hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility. KRS § 199.640 (2001); KRS § 199.641 (2001).

Louisiana

Youth Shelters

- ◆ Runaway and homeless youth residential facilities must obtain a license from the division of licensing and certification of the Department of Social Services. La. R.S. 46:1352 (2002).
- ◆ The staff of a runaway and homeless youth residential facility must notify the guardian of a runaway of the runaway's admission to the facility as soon as possible but not more than 72 hours after the runaway has been admitted. The staff may choose not to contact the runaway's guardian only if there are compelling circumstances that justify the decision. La. R.S. 46:1353 (2002).
- ◆ A runaway youth may elect to leave the facility to return home at any time. La. R.S. 46:1353 (2002).
- ◆ A runaway youth may remain at a facility for up to 72 hours without guardian consent. La. R.S. 46:1353 (2002).
- ◆ If a guardian gives consent, a runaway youth may remain in a facility for up to 15 days. La. R.S. 46:1353 (2002).
- ◆ If the guardian of a runaway youth cannot be found, the youth may remain in a facility for up to 21 days. La. R.S. 46:1353 (2002).

- ◆ If a report is filed with the state, the facility shall be required to provide care for a youth until a decision about the youth's placement is reached by the Department of Social Services or by a court. La. R.S. 46:1353 (2002).

- ◆ A runaway and homeless youth facility must provide services to all runaway and homeless youth, including counseling, family reunification efforts, arranging of services, and explaining of the youth's rights. La. R.S. 46:1354 (2002).
- ◆ Liability for staff of homeless and runaway facilities is limited to acts of gross negligence and intentional misconduct. La. R.S. 46:1356 (2002).

Maine

Runaway and Homeless Youth Services

- ◆ The Department of Human Services may provide short term emergency services to homeless and runaway youth that shall not exceed 72 hours in duration. 22 M.R.S. § 4023 (2001).

Youth Shelters

- ◆ Emergency shelters for children may not operate without a license from the Department of Human Services. 22 M.R.S. 7801 § (2001).
- ◆ Licensing standards shall be established by the Department regarding staff qualifications, rights and responsibilities of children, staff, and guardians, the nature, provision, documentation, and management of care and services, and the physical environment. 22 M.R.S. § 8102 (2001).
- ◆ Children may not remain in the care of an emergency shelter for more than 30 days. 22 M.R.S. § 7801 (2001).

Maryland

Runaway Services

- ◆ The Department of Juvenile Justice shall develop a program to help homes for runaway youth. Md. Ann. Code art. 83C, § 2-121 (2001).

Child Care Facilities

- ◆ Child care institutions may not operate without a license from the Social Services Administration of the Department of Human Resources. Md. FAMILY LAW Code Ann. § 5-509 (2001).

Homeless Services

- ◆ The governor is authorized to establish homeless shelters and provide other services to homeless individuals and families. These shelters and services are regulated by the

Department of Human Services. Md. Ann. Code. art. 88A, §133 (2001).

Massachusetts

Youth Shelters

- ◆ Temporary shelter care facilities operate to receive children under eighteen years of age for temporary shelter during the day or night when such children request shelter therein, or when such children are placed there by a placement agency, a law enforcement agency, or a court. Mass. Ann. Laws ch. 28A, § 9 (2002).
- ◆ A temporary shelter care facility must obtain a license from the Office of Child Care Services in order to operate. The Office shall establish rules and regulation that must be followed in order to obtain and keep a license. Mass. Ann. Laws ch. 28A, § 10 (2002).
- ◆ A temporary shelter care facility may provide shelter for an unaccompanied youth for up to 72 hours without guardian consent if the youth's welfare would be endangered if shelter were not provided. At the expiration of the 72 hour period, the shelter shall have secured consent from the youth's guardian to continue providing shelter, shall have referred the youth to the Department of Human Services, or shall terminate the care and custody it is providing. Mass. Ann. Laws ch. 119, § 23 (2002).

Michigan

Youth Shelters

- ◆ The county department of social services may operate an emergency receiving center for the temporary care of homeless youth. A youth shall remain in the center's care until the youth can be placed in a permanent residence, preferably the youth's homes. These centers must maintain the standards set out by the State Department of Social Services regarding places of juvenile detention. MCLS § 400.18d (2002).

Child Care Facilities

- ◆ A person, partnership, firm, corporation, association, or nongovernmental organization shall not establish or maintain a child care organization unless licensed by or registered with the Department of Social Services. A child care organization is a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision. MCLS § 722.111 (2002); MCLS § 722.115 (2002).

Minnesota

Homeless Youth Services

- ◆ The Commissioner of Human Services shall coordinate services for homeless youth, including safe houses and transitional living and assisted living programs, and shall obtain state and federal funding to support these efforts. Minn. Stat. § 256E.115 (2001).

Youth Shelters

- ◆ Upon admitting a youth for care and shelter, an emergency shelter must notify the youth's guardian of the youth's whereabouts and condition within 72 hours, unless notify the guardian is not in the best interest of the youth. Minn. Stat. § 260C.501 (2001).
- ◆ The Commissioner of Human Services shall establish a statewide grant program called the out-of-wedlock pregnancy prevention program. The goal of this program is to prevent or reduce the incidence of out-of-wedlock pregnancies among homeless, runaway, or thrown-away youth. One of the specific goals of the program is to significantly increase the number of existing short-term shelter beds for these youth in the state by providing funds for shelters, transitional and independent living programs, and family reunification efforts. The Commissioner is responsible for allocating funds for this purpose. Minn. Stat. § 256K.35 (2001).
- ◆ An individual, corporation, partnership, voluntary association, other organization, or controlling individual may not operate a residential or a nonresidential program without a license from the Commissioner of Human Services. Minn. Stat. § 245A.03 (2001).

Mississippi

Homeless Youth Services

- ◆ The Department of Human Services must cooperate with the United States Children's Bureau to extend the state's services to homeless youth. Miss. Code Ann. § 43-15-3 (2001).

Youth Shelters

- ◆ The Division of Family and Children's Services is the licensing authority for runaway shelters. It is responsible for setting licensing standards concerning health, safety, finances, and administration. It is also responsible for inspecting licensed facilities, investigating complaints, and revoking and suspending licenses when appropriate. Miss. Code Ann. § 43-15-105 (2001).

Missouri

Youth Services

- ◆ The board of directors of each county shall administer a community service children's fund that will fund, among other things, temporary shelter for homeless and runaway youth for up to 30 days. § 210.861 R.S.Mo. (2001).

Child Care Facilities

- ◆ A residential care facility may not operate without a license from the Division of Family Services of the Department of Social Services. A residential care facility is a facility providing twenty-four-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian. § 210.481 R.S.Mo. (2001); § 210.486 R.S.Mo. (2001).

Homeless Shelters

- ◆ The governing body of each county may establish a homeless assistance program that will provide funding to emergency shelters. § 67.1063 R.S.Mo. (2001).

Montana

Child Care Facilities

- ◆ A youth care facility may not operate without being licensed or registered by the Department of Public Health and Human Services. A youth care facility is a facility providing care to youth, including youth foster homes, youth group homes, child-care agencies, transitional living programs, and youth assessment centers. Mont. Code Anno., § 52-1-103 (2001); Mont. Code Anno., § 52-2-602 (2001).

Nebraska

Youth Shelters

- ◆ Any municipal corporation may contract with and provide funds to any person to provide juvenile emergency shelter care. Juvenile emergency shelter care is temporary twenty-four-hour physical care and supervision in crisis situations and at times when an appropriate foster care resources are not available to persons eighteen years of age or younger. R.R.S. Neb. § 13-317 (2002).

Child Care Facilities

- ◆ A child caring facility may not operate without a license from the Department of Health and Human Services.

Homeless Shelters

- ◆ The Homeless Shelter Assistance Trust fund exists to fund homeless shelter providers. The Department of Human Services shall establish criteria and guidelines for funding

eligibility. R.R.S. Neb. § 68-1604 (2001); R.R.S. Neb. § 68-1608 (2001).

- ◆ Local Housing Agencies established under the Nebraska Housing Agency Act have the power to establish and operate homeless shelter facilities. R.R.S. Neb. § 71-15,113 (2001).

Nevada

Youth Shelters

- ◆ Each county may establish an approved youth shelter that will provide services to runaway and homeless youth. Approved youth shelters must comply with all federal, state, and local laws pertaining to their services and are subject to county review and approval. Nev. Rev. Stat. Ann. § 244.428 (2001).
- ◆ Upon admitting a runaway or homeless youth, the shelter must notify the youth's guardian of the youth's admission, unless abuse or neglect is evident. State and local law enforcement agencies must also be notified and the youth must be evaluated by a licensed professional to determine the youth's circumstances and need for services or counseling. Nev. Rev. Stat. Ann. § 244.428 (2001).
- ◆ An approved youth shelter, its directors, its employees, its agents, and its volunteers are immune from civil liability unless the act or failure to act was caused by gross negligence or intentional misconduct. Nev. Rev. Stat. Ann. § 244.429 (2001).

New Hampshire

Youth Shelters

- ◆ A homeless youth shelter may not operate without a license from the Department of Health and Human Services. The Department may establish requirements that must be met in order for a facility to obtain and retain a license. The Department has the power to revoke or suspend a facility's license for failing to meet the established standards. RSA 170-E:27 (2002); RSA 170-E:34 (2002); RSA 170-E:35 (2002).
- ◆ The homeless youth shelter must attempt to notify a youth's guardian of the youth's admission for services within 72 hours of the youth's admission, unless compelling reasons not to notify the youth's guardian exist. If a youth's guardian cannot be reached, the shelter must notify the Department within 30 days of the youth's admission for services. RSA 170-E:27-a (2002).

Homeless Shelters

- ◆ The Department of Health and Human Services administers the emergency shelter program, which provides safe

and sanitary short-term shelter to the poor and destitute. The Department may contract with and fund private non-profit organizations for providing emergency shelters. RSA 126-A:26 (2002); RSA 126-A:27 (2002).

New Jersey

Homeless Youth Services

- ◆ The Department of Human Services is responsible for the establishment and support of a comprehensive program for homeless youth. N.J. Stat. § 9:12A-5 (2002).
- ◆ A municipality may appropriate funds for services, including emergency shelters, for runaway and homeless youth. N.J. Stat. § 40:5-2.10b (2002).

Youth Shelters

- ◆ The Department shall license basic center shelter programs that will provide homeless youth with walk-in access to temporary shelter, family reunification efforts, counseling, food, clothing, medical care, and other services. N.J. Stat. § 9:12A-6 (2002).
- ◆ A shelter shall attempt to notify a youth's guardian of a youth's admission to the shelter within 24 hours of admission, unless there are compelling reasons not to notify the youth's guardian of the youth's whereabouts and condition. N.J. Stat. § 9:12A-7 (2002).
- ◆ A shelter shall notify the Division of Youth and Family Services of a youth's admission to the shelter within 24 hours of admission to determine if the youth is in the custody of the Division. If the youth is not in the custody of the division, the youth shall be referred to a juvenile-family crisis intervention unit for services. N.J. Stat. § 9:12A-7 (2002).
- ◆ A homeless youth may remain in a shelter for up to ten days without a guardian's consent. During this time, a juvenile-family crisis intervention unit may attempt to reunite the youth with the youth's family or provide services for the youth. N.J. Stat. § 9:12A-7 (2002).
- ◆ A homeless youth may be allowed to remain in the shelter for up to 30 days. N.J. Stat. § 9:12A-7 (2002).

New Mexico

Homeless Youth Services

- ◆ The Human Services Department is responsible for service and care of homeless youth. N.M. Stat. Ann. § 27-1-3 (2001).

Child Care Facilities

- ◆ The Children, Youth and Families Department is responsible for licensing child care facilities and multi-service homes.

New York

Runaway and Homeless Youth Services

- ◆ Counties may develop a service plan for runaway and homeless youth that will be reviewed by the Division for Youth. The Division of Youth shall allocate funding for the operation of these plans. NY CLS Exec § 420 (2002).
- ◆ Runaway programs must be approved by the Division for Youth and must abide by regulations issued by the Division for Youth and the Department of Social Services. NY CLS Exec § 532-a (2002).
- ◆ Runaway programs shall provide assistance to runaway and homeless youth, explain their legal rights and the services available to the youth, work towards family reunification, and examine the youth to determine whether referral to child protective services is appropriate. NY CLS Exec § 532-b (2002).
- ◆ Youth may stay at a runaway program on a voluntary basis for no longer than 30 days. A youth who consents and has the written consent of a guardian may remain for up to 60 days. NY CLS Exec § 532-b (2002).
- ◆ A youth's guardian must be notified within 72 hours of being admitted to a runaway program of the youth's whereabouts and condition, unless there are compelling reasons why the guardian should not be notified. NY CLS Exec § 532-c (2002).

Homeless Shelters

- ◆ Social Services officials may contract with and provide funding for nonprofit and charitable organizations to operate homeless shelters. Social Services Districts shall establish health and safety standards that must be maintained by these shelters. The Department of Social Services also may allocate funding to municipalities for homeless shelters. NY CLS Soc Serv § 131-v (2002); NY CLS Soc Serv § 43 (2002).

North Carolina

Child Care Facilities

- ◆ The Department of Health and Human Services licenses child care facilities.

Homeless Shelters

- ◆ The North Carolina Housing Trust Fund may provide funding for the construction and rehabilitation of homeless shelters. N.C. Gen. Stat. § 122E-6 (2001).

North Dakota

Runaway and Homeless Youth Services

- ◆ The Children's Services Coordinating Committee may plan for and coordinate services for runaway and homeless youth. It is also responsible for distributing grants to children's service organizations and programs. N.D. Cent. Code, § 54-56-03 (2002).

Child Care Facilities

- ◆ It is the responsibility of the Department of Human Services to formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department including child-care facilities and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary. N.D. Cent. Code, § 50-06-05.1 (2002).

Homeless Shelters

- ◆ The Real Estate Broker Trust Account shall disburse funds for housing and shelter for the homeless and poor. N.D. Cent. Code, § 43-23.4-02 (2002).

Ohio

Youth Shelters

- ◆ A runaway shelter may not operate without complying with the rules adopted by the board of alcohol, drug addiction, and mental health services of the district in which the shelter is located. The board has the authority to enforce the rules it creates and to ask each runaway shelter to submit information about the services that they offer. ORC Ann. 5119.65 (Anderson 2002); ORC Ann. 5119.65 (Anderson 2002); ORC Ann. 5119.67 (Anderson 2002); ORC Ann. 5119.68 (Anderson 2002).

Oklahoma

Youth Shelters

- ◆ The Department of Juvenile Justice is authorized to enter into agreements to establish or maintain community-based youth service programs, including emergency shelters. 10 Okl. St. § 7302-3.5 (2002).

Child Care Facilities

- ◆ A child care facility may not operate without a license from the Department of Human Services. A child care facility is any public or private child care residential facility, child placing agency, foster family home, group home, child care center, part-day child care program, family

child care home, or large family child care home providing either full-time or part-time care for children away from their own homes. 10 Okl. St. § 401 (2002); 10 Okl. St. § 402 (2002).

Homeless Services

- ◆ Every county in the state shall relieve and support all indigent persons, including the provision of emergency shelters. 56 Okl. St. § 33 (2002).

Oregon

Child Care Facilities

- ◆ Private child caring agencies must obtain a license from the Department of Human Services in order to operate. A child caring agency could be, among other things, any private agency or private organization providing residential care to children. ORS § 418.205 (2001); ORS § 418.215 (2001).

Homeless Services

- ◆ The Emergency Housing Account shall be administered by the Housing and Community Services Department to assist homeless persons and those persons who are at risk of becoming homeless. Funds may be used for the operation of homeless shelters. ORS § 458.650 (2001).

Pennsylvania

Child Care Facilities

- ◆ Any social services auspices may not be maintained, operated or conducted without having a license issued by the Department of Public Welfare. Social service auspices are any nonprofit agency regularly engaged in the affording of child or adult care. 62 P.S. § 1001 (2002); 62 P.S. § 1002 (2002).

Rhode Island

Child Care Facilities

- ◆ The Department of Children, Youth and Families is responsible for licensing, monitoring, and evaluating all facilities that provide services to youth. R.I. Gen. Laws § 42-72-5 (2001).

South Carolina

Homeless Youth Services

- ◆ The Department of Social Services may cooperate with the federal government in extending services to homeless youth. S.C. Code Ann. § 43-1-110 (2001).

Child Care Facilities

- ◆ The Department of Social Services shall establish licensing rules and regulation for all child welfare agencies. The Department may revoke the license of any facility that fails to maintain the standards set out by the Department. S.C. Code Ann. § 20-7-2250 (2001); S.C. Code Ann. § 20-7-2260 (2001).

Homeless Shelters

- ◆ Among the Housing Trust Fund's purposes is providing funding for the building and rehabilitation of homeless shelters. S.C. Code Ann. § 31-13-450 (2001).

South Dakota

Child Care Facilities

- ◆ All child welfare agencies must obtain a license from the Department of Social Services in order to provide such services as the provision of group care and the maintenance, supervision, and protection of children on a regular full-time basis as a substitute for regular parental care, with or without compensation, in a nonfamily group setting, which shall be known as a residential treatment center, group care center or as a group home. S.D. Codified Laws § 26-6-14 (2002).

Tennessee

Youth Shelters

- ◆ Every runaway house in the state must be registered with the Department of Children's Services. The Department of Children's Services. The Department shall establish minimum standards that every runaway house must comply within order to be registered. The standards include separate living quarters for males and females, accurate records, health and safety requirements, counseling and treatment services, and programs for the facility's residents. Tenn. Code Ann. § 37-2-503 (2001); Tenn. Code Ann. § 37-2-505 (2001).
- ◆ A runaway house may give a runaway youth shelter for up to 72 hours. The youth may only be removed from this sanctuary by court order. Tenn. Code Ann. § 37-2-506 (2001).
- ◆ Within one hour of the runaway's arrival at the runaway house, the staff must notify either the youth's guardian or the juvenile court. Tenn. Code Ann. § 37-2-506 (2001).

Homeless Services

- ◆ The Division of Housing and Emergency Shelters is responsible for coordinating efforts to provide services to

homeless individuals, including homeless shelters. Tenn. Code Ann. § 71-1-112 (2001).

Texas

Youth Shelters

- ◆ An emergency youth shelter may not operate without a license from the Department of Protective and Regulatory Services. Tex. Hum. Resource Code § 42.041 (2001).
- ◆ The Department is responsible for establishing rules and standards that shelters must follow in order to obtain and keep a license. These rules and standards shall promote safety, health, appropriate supervision, and child welfare. Tex. Hum. Resource Code § 42.042 (2001).

Homeless Shelters

- ◆ In order for a person or organization to operate a homeless shelter in a municipality it must first notify the municipality 61 days before it begins building the facility or, if the facility is already in existence, 61 days before the facility opens. If the municipality determines that the shelter is not in the municipality's best interest, it must inform the person or organization within 61 days of receiving notice of the planned shelter that it does not consent to its operation. Tex. Local Gov't Code § 244.025 (2001).

Utah

Child Care Facilities

- ◆ A human services program or a human services facility may not operate without a license from the Department of Human Services. Human services licensees include youth programs, resource family homes, and facilities or programs that provide care, secure treatment, inpatient treatment, residential treatment, residential support, adult day care, day treatment, outpatient treatment, domestic violence treatment, child placing services, or social detoxification. Utah Code Ann. § 62A-2-101 (2002); Utah Code Ann. § 62A-2-108 (2002).

Homeless Shelters

- ◆ Funding for homeless shelters may come from the Olene Walker Housing Loan Fund. Utah Code Ann. § 9-4-705 (2001).

Vermont

Homeless Youth Services

- ◆ The Department of Social and Rehabilitative Services is responsible for providing services to homeless youth. 33 V.S.A. §4901 (2001).

Youth Shelters

- ◆ The Department of Social and Rehabilitative Services is responsible for licensing "Commissioner Designated Shelters."

Virginia

Youth Shelters

- ◆ In order for an emergency shelter to operate, it must obtain a license from the Department of Social Services. Va. Code Ann. § 63.2-1701 (2002).
- ◆ The Board of Social Services has the power to establish regulations that must be followed and fees that must be paid in order for a shelter to obtain and renew a license. Va. Code Ann. § 63.2-1700 (2002).
- ◆ A shelter must obtain the consent for placement in the shelter from a youth's guardian within eight hours of a youth's arrival. Va. Code Ann. § 63.2-1817 (2002)

Washington

Youth Shelters

- ◆ The Department of Social and Health Services is responsible for licensing and regulating HOPE Centers. HOPE Centers are facilities that provide shelter and services to street youth. They may not operate without a license from the Department. Rev. Wash. Code (ARCW) 74015.250 (2002).
- ◆ HOPE Centers must follow procedures to ensure that residents do not run away from the centers. They must also meet staffing requirements, data collection requirements, and treatment and service requirements. Rev. Wash. Code (ARCW) 74015.220 (2002).
- ◆ HOPE Centers must facilitate the return of a street youth to the youth's legally authorized residence at the earliest possible date. Rev. Wash. Code (ARCW) 74015.220 (2002).
- ◆ When appropriate, HOPE Centers must refer youth to the Department of Social and Health Services for services or dependency proceedings. Rev. Wash. Code (ARCW) 74015.220 (2002).

West Virginia

Child Care Facilities

- ◆ The Department Human Service is responsible for licensing all child welfare agencies. Facilities must apply for a license and are subject to investigations of the facility, the agency's financial status, the character of personnel, and the reputation of the agency. W. Va. Code § 49-2B-3 (2000); W. Va. Code § 49-2B-8 (2000).

Wisconsin

Runaway Youth Services

- ◆ The Department of Social Services shall distribute \$ 50,000 in each fiscal year as grants to programs that provide services for runaway children.

Youth Shelters

- ◆ The Department of Health and Family Services has the power to license runaway homes. Wis. Stat. § 48.48 (2001).
- ◆ Within 12 hours of admitting a runaway youth into its care, a runaway home must contact an intake worker and notify the intake worker of the youth's whereabouts. The intake worker must then attempt to contact the youth's guardian as soon as possible. Wis. Stat. § 48.227 (2001).
- ◆ A runaway youth may not be removed from a runaway home without court order. Wis. Stat. § 48.227 (2001).
- ◆ If a runaway youth's guardian does not consent to the runaway home's temporary care, then a hearing must be held in court to determine if the youth must return home or may remain in the shelter. Wis. Stat. § 48.227 (2001).

Homeless Shelters

- ◆ The Department of Administration is responsible for allocating grants to organizations for the operation of homeless shelters. The Department may set out rules defining who is eligible for the grants. Wis. Stat. §16.352 (2001).

Wyoming

Child Care Facilities

- ◆ The Department of Family Services is responsible for licensing child care facilities.

American Samoa

Not able to determine.

District of Columbia

Youth Shelters

- ◆ A runaway or homeless youth shelter may not operate without a license from the mayor. The mayor is also responsible for issuing rules that govern, among other things, standards of operation, qualifications of personnel, and administrative regulations. D.C Code § 7-2102 (2001); D.C Code § 7-2103 (2001).

Homeless Shelters

- ◆ The Emergency Shelter and Supportive Services Program establishes homeless shelters under the super-

vision of the Department of Human Services and a coordinator appointed by the mayor. The mayor shall propose rules and regulations for the implementation of the program to be approved by the city council. D.C. § Code 4-702.1 (2001); D.C. Code § 4-705 (2001); D.C. Code § 4-708 (2001).

Guam

Homeless Shelters

- ◆ It is the duty of the Department of Public Health and Social Services to initiate shelter programs and conduct an assessment of the homeless situation. The Department may also contract with shelters and provide essential services to homeless individuals and convert government owned property into homeless shelters. 10 GCA § 17102; 10 GCA § 17104.

Northern Mariana Islands

Not able to determine.

Puerto Rico

Child Care Facility

- ◆ A child care facility may not operate without a license from the Department of the Family. 8 L.P.R.A. § 69 (1999).

Homeless Services

- ◆ The Commission for the Implementation of the Public Policy Regarding the Homeless is responsible for assessing the needs of the homeless and administering efforts to provide services and shelters for the homeless. 8 L.P.R.A. § 1003 (1999).

Virgin Islands

Not able to determine. ◆

NOTES

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NOTES

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The National Law Center on Homelessness & Poverty

Since 1989, the National Law Center on Homelessness & Poverty has served as the legal arm of the national movement to prevent and end homelessness—expanding homeless people's opportunities for self-sufficiency by promoting and protecting their access to education, employment, affordable housing, income benefit programs and social services. The Law Center's staff attorneys operate - a *Housing Program* to increase the supply of affordable housing nationally; an *Income Program* to expand access to SSI/SSDI, food stamps, TANF and other public benefits; and a *Civil Rights Program* that advocates against laws that "criminalize" homelessness.

Through our *Children's Program Education Project*, we seek to ensure equal access for homeless children to early childhood education programs, public school education, and much needed social services as provided by federal law. In 2000 we published *Separate and Unequal*, the first national report documenting segregated schools for homeless children and the need for their integration into public schools. Our *Children's Program* staff attorney, Ms. Patricia Julianelle, who is an author of *Alone Without a Home*, works closely with State Coordinators and Local School Liaisons for the Education of Homeless Children and Youth, community advocates and attorneys to insure full compliance with all federal education requirements.

We invite you to review our webpage at: www.nlchp.org.

The National Network for Youth

The National Network for Youth is a membership organization comprised of community-based youth-serving organizations, young people, youth workers, and youth advocates who seek to ensure that young people can be safe and lead healthy and productive lives. The National Network and its members focus their work with and for youth, especially those who, because of abuse, neglect, family conflict or disconnection, community prejudice, disabilities, lack of resources, or other adverse life circumstances, need greater opportunities and supports to become contributing members of their communities.

The National Network accomplishes its mission through policy advocacy, knowledge development and dissemination, training and consultation, public education, and peer networking. The National Network's publications include the quarterly *Network News and Policy Reporter* newsletters and the weekly electronic *NNY FYI* and *Public Policy Update*. The National Network convenes an annual conference each February in Washington, DC. The National Network, founded in 1975 as the National Network of Runaway and Youth Services, serves as the principal membership association for organizations receiving federal Runaway and Homeless Youth Act funds.

We invite you to review our webpage at: www.nn4youth.org.

National Law Center on Homelessness & Poverty

1411 K St NW, Suite 1400, Washington DC 20005

202/638-2535 voice ♦ 202/628-2737 fax

www.nlchp.org

National Network for Youth

1319 F St NW, Suite 401, Washington DC 20004-1106

202/783-7949 voice ♦ 202/783-7955 fax

www.nn4youth.org